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EUROPEAN INTERFERENCE ON THE AMERICAN CONTINENT.

THE MISSION TO PANAMA.

RETROSPECTION is as little the wont of young nations as of young persons. Pressing onward with the hope and elasticity which disappointment has not chilled, nor age impaired, there is little time and little temptation to look back. "Onward and forward" are especially the rallying words of our day and generation. The past recent—as is our most distant past—is speedily forgotten and unwillingly recalled. Reverence is not a living principle of the American man of this epoch. His boast is entirely of the future—his glories are in anticipation. "Progress" is his device, and he hears impatiently, and esteems lightly, all admonitions or warnings purporting to be derived from the experience of other days and other men.

There are circumstances, nevertheless, which impose it as a duty upon publicists, sometimes to remind those whom they would serve, by instructing them, of their own antecedents, and to recall and restate doctrines and principles which, even in the lapse of a single generation—so headlong is our course—may have passed from the public mind.

It is in this view, and because of the peculiar aspect of our political affairs

just now, that we propose to revive the history, and as briefly as possible to review the course, of this country and of its leading public men, in relation to the *Congress of Panama*, held in 1826-7.

When in 1823, President Monroe for the first time enunciated as the sentiment and determination of the American people, that this continent was no longer to be considered subject to European interference or colonization—under the reservation, always, of the then existing relation of such portions of it as still acknowledged colonial allegiance to a European supremacy—he but gave utterance to a principle evolved by time and the course of events, and to which time and events have since added force and authority. It was in some sort a logical and political necessity, that when the nations inhabiting this continent grew to the stature and to the wisdom of men, they should be a law unto themselves and unto each other, without caring to ask, or desiring to receive, their codes from distant peoples, as diverse from them in institutions as in interests.

As the oldest in the rank of free American nations, most experienced in the art of self-government, and not certainly

without experience of the evils of European interference and intrigues on our continent, the conviction of the truth of the great principle proclaimed by Mr. Monroe—and of the expediency of solemnly declaring it—was earliest forced upon us.

Its utterance was precipitated by events over which we had no control, though we might, in their result, be largely affected by them. The whole of this continent had, at successive periods preceding that to which we are now referring, been declared free and independent. The colonies of Spain and Portugal had all withdrawn themselves from the control of the mother country; and with various fortune, but unfaltering determination, were waging battle with what remained of the armies of their oppressors. The contest had been long and bloody—the issue was still undecided.

In Europe the tide of the French revolution seemed stayed. Its child and champion, after bestriding that region of the earth like a Colossus, overthrowing at a nod, thrones, principalities and powers, had himself been overthrown—and, like Prometheus, chained to a rock in the ocean, was doomed to perish beneath the vulture beak of his own fierce passions and disappointed hopes.

A Holy Alliance undertook the restoration of ancient usages and ancient privileges; they carved, and they cut, in order to establish a "balance of power." They "mediatized" some little sovereigns who stood in their way, and they magnified some large ones who would not be put out of the way. They subverted the constitutional government of Naples, denounced the constitutional government of Spain; and, having settled Europe upon the sure foundation, as they fancied, of prescriptive rights and monarchical institutions, they had leisure to turn their attention to the American continent.

They were not wholly without a pretext for so doing. The nature of the conflict carried on in the former Spanish-American colonies, was bloody and remorseless to a degree that shocked the common feeling of mankind; thus far, too, it had been unproductive of any countervailing benefits; the issue was still doubtful, blood still flowed, rapine, lust and slaughter, still ravaged countries, than which no fairer or finer are shone upon by the sun in his unceasing round. Humanity therefore seemed to appeal to man and heaven against the continuance of such hostilities, and when

Spain joined her appeal too, and invoked the aid of the Holy Alliance to put a stop to such a warfare, and to bring back her revolted colonies to the mild dominion which they so ungratefully sought to throw off, there was motive and cause enough for the interposition of the High Contracting Parties.

At this precise juncture, well informed by the faithful, intelligent and *competent* ministers who, then at European courts, represented this Republic, President Monroe uttered his calm but memorable protest. It alluded to nothing done, or meditated in the Councils of the European Alliance—it was pointed at no particular case, and offended by no exceptional allusions or reservations—but broadly, firmly, and irrevocably took the ground that whatever nations, having colonies in America, might do, or forbear to do, in regard to those colonies—the United States could not see "with indifference" the intervention of other nations, not thus situated, with the affairs of this continent. Weighty, well considered, and of decisive effect, were the words then and thus spoken by the American President. They paralyzed at once the inchoate movements for a European intervention, diplomatic in form, but military and coercive in fact; and Spain was left to her own time and resources to subjugate, if she could, or recognize as independent when she would, her former colonies.

The result of the conflict, when it once became apparent that Spain would not receive any aid in carrying it on from other powers, could not remain doubtful, and before long not a Spanish soldier was left, in hostile guise, on the continent of America. With all the natural sympathy of a free people in the struggles of others to become free, we had looked upon the fierce conflict; yet faithful ourselves to the obligations we prescribed to others, we interfered not in it. But when the strife was ended, and independent governments were established and sustained, where before colonial bondage alone existed, we, first among nations, recognized that independence; and when, subsequently, Mr. Canning, as Prime Minister of England, following our lead in recognizing the new nations, declared with ostentatious egotism in the House of Commons that "he had called the South American nations into existence," he assumed as his own, a trophy which, in truth, belonged to Henry Clay and the American Congress.

These nations were not insensible of the importance of our early friendship, nor unmindful of it, and when a time came in which they could with calmness examine their own position, their relations to each other, to Europe and the United States, and thus be enabled to appreciate the value of an American system of nations—if the phrase may be allowed—as contradistinguished from the European system, their first care was to invite our attendance and coöperation in an American Council—a Council for consultation, and not for alliance—a Council where the greater experience, the greater weight, and the assured position as a people, of the United States, could not fail to exercise a large and salutary influence. Hence sprang the CONGRESS OF PANAMA, of which we will now proceed to sketch the history as briefly as possible.

The protracted struggle between Spain and her colonies first led to the suggestion that all these colonies should make a common cause and a common effort. Difficulties, however, occurred in reducing this idea to practice, and although the Western States of South America were greatly aided in the achievement of their independence by the unpurchased valor of their sister republics on the Atlantic border, there was no general plan of coöperation for the common object. It was not, indeed, until the struggle was virtually abandoned by Spain, that the treaties between Colombia and Peru in 1822, and in the three succeeding years, between Colombia, Chili, Guatemala and Mexico were made. It was in virtue of these treaties that a Congress of American nations was agreed upon, and the Isthmus of Panama named as the place of holding it. In 1825, Colombia, Mexico, and Central America, by their ministers at Washington, formally invited the United States to be present by a minister or ministers at that Congress, after having, in the first instance, with great consideration, privately informed themselves whether such formal invitation would be unobjectionable and agreeable to this government. It was also intimated distinctly by these ministers that their governments "did not expect that the United States would change their present neutral policy, nor was it desired that they should take part in such of the deliberations of the proposed Congress as might relate to the prosecution of the existing war with Spain."

John Q. Adams, then President of the United States, accepted this invitation, in the spirit in which it was given. In his message of 15th March, 1826, to the House of Representatives, in reply to a resolution of that body calling on the President for information respecting the mission and its objects, Mr. Adams says:

"I deem it proper to premise that these objects did not form the only, nor even the principal motive for my acceptance of the invitation. My first and greatest inducement was to meet, in the spirit of kindness and friendship, an overture made in that spirit by three sister republics of this hemisphere. The great revolution in human affairs which has brought into existence, nearly at the same time, eight sovereign and independent nations in our own quarter of the globe, has placed the United States in a situation not less novel, and scarcely less interesting than that in which they had found themselves by their own transition from a cluster of colonies to a nation of sovereign states."

The general objects of the Congress so far as the ministers from this country were to take part in it, are thus briefly set forth in a report from the Secretary of State, H. Clay:

"The President believed that such a Congress as was contemplated might be highly useful in settling several important disputed questions of public law, in arranging other matters of deep interest to the American Continent, and in strengthening the friendship and amicable intercourse between the American powers."

There would seem, in this exposition of the spirit in which the invitation was given and accepted, and of the motives recommending such a Congress, nothing that patriotism should question, or that an enlightened regard for our own interests, or for preëxisting obligations towards other nations, could render inexpedient. Our neutrality, so faithfully observed when the battle was raging, could not be hazarded by attendance at a peaceful council, especially under the reservation that the ministers of the United States were to take no part in any deliberation respecting the future conduct of the nominal war still existing; nor was the principle so wisely laid down by Washington endangered—that we should avoid entangling alliances with other nations.

Nevertheless, the annunciation by the President in his message to Congress of

December 6, 1823, that the invitation to attend the Congress of Panama "had been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them so far as may be compatible with that neutrality from which it is neither our intention, nor the desire of the other American States, that we should depart,"—was received by the party in opposition with vehement censure and denunciation.

The President was charged with an unconstitutional exercise of authority in thus assuming to accept the invitation of our sister republics, and in instituting a new mission without first ascertaining the sense of Congress, or at least of the Senate; with hazarding our neutrality, and with seeking to entangle us in inconvenient and dangerous alliances with other countries, in opposition to the established policy and received opinion of our own. The danger of giving offence to Europe by thus interesting ourselves in the councils of the nations of our own Continent, was largely dwelt upon, while the character, deeds and destinies of the American Republics were proportionably depreciated.

Nothing moved from his high designs by this clamor, the President on the 26th Dec. sent in to the Senate the names of *Richard C. Anderson*, of Kentucky, and *John Sergeant*, of Pennsylvania, "as envoys extraordinary and ministers plenipotentiary to the assembly of American Nations at Panama." In the message communicating these nominations, the President, after referring to that passage in his annual message which announced the invitation to the Congress of Panama, and its acceptance, thus proceeded:

"Although the measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature: first, by the decision of the Senate upon the nominations to be laid before them; and second by the sanction of both Houses to the appropriations, without which it cannot be carried into effect. . . . [From the papers communicated,] it will be seen that the United States neither intend nor are expected to take part in any deliberations of a belligerent character; that the motive for their attendance is neither to contract alliances, nor to engage in any undertaking

or project importing hostility to any other nation. But the South American nations, in the infancy of their independence, often find themselves in positions, with reference to other countries, with the principles applicable to which, derivable from the state of independence itself, they have not been familiarized by experience. The result of this has been, that sometimes in their intercourse with the United States, they have manifested dispositions to reserve a right of granting special favors and privileges to the Spanish nation as the price of their recognition; at others they have actually established duties and impositions operating unfavorably to the United States to the advantage of European powers; and sometimes they have appeared to consider that they might interchange among themselves mutual concessions of exclusive favor, to which neither European powers nor the United States should be admitted. In most of these cases, their regulations unfavorable to us have yielded to friendly expostulation. . . . The consensual adoption of principles of maritime neutrality, and favorable to the navigation of peace, and commerce in time of war, will also form a subject of consideration to this Congress. The doctrine, that free ships make free goods, and the restrictions of reason upon the extent of blockades, may be established by general agreement, with far more ease, and perhaps with less danger, by the general engagement to adhere to them, concerted at such a meeting, than by partial treaties or conventions with each of the nations separately. An agreement between all the parties represented at the meeting that each will guard, by its own means, against the establishment of any future European colony within its borders may be found advisable. This was more than two years since announced by my predecessor to the world, as a principle resulting from the emancipation of both the American Continents. It may be so developed to the new Southern nations, that they will all feel it as an essential appendage to their independence."

That portion of the Senate of the United States, which claimed to be eminently friendly to the progress of free institutions, to the cause of liberty and the rights of man, could see nothing in the mission thus projected and explained, nothing in "an assembly of American nations," most of them just sprung into being—self-constituted and self-vindicated—to enlist their sympathy, or conciliate their judgment. On the contrary, they met the whole subject with a stern and pertinacious opposition.

The special message and the nomi-

nations were, on the 28th, (two days after they were sent in,) referred to the Committee on foreign relations. On the same day, Mr. Branch of North Carolina (afterwards Secretary of the Navy under President Jackson), submitted a resolution and preamble, which were printed for the use of the Senate, of which the purport was, that the President "does not constitutionally possess either the right or the power to appoint ambassadors or other public ministers, but with the advice and consent of the Senate, except when vacancies may happen in the recess."

The Senate continued to occupy itself in secret session with this subject. On the 4th Jan. a resolution was adopted on motion of Mr. Macon of North Carolina, calling upon the President to communicate confidentially to the Senate any conventions between the new States relative to the Congress at Panama, and any other information tending to show the propriety of a mission from the United States to said Congress. On the 10th the President communicated the papers asked for—consisting of four Conventions between Colombia and Peru, Colombia and Chili, Colombia and Central America, and Colombia and Mexico—and of certain correspondence between the Executive government of the United States, and the governments of Russia, France, Colombia and Mexico.

The Conventions between the new American States were all—1st, for a mutual, defensive alliance, in order, as the treaty between Chili and Colombia expresses it, "to maintain their independence of the Spanish nation, and of any other foreign domination whatsoever;" 2ndly, for commercial purposes; and finally, for the convening of a "general assembly of the American States."

The correspondence communicated consisted of copies of letters to and from our ministers in Russia, France, Mexico and Colombia; those of the ministers in Europe, related to the steps taken by them in conformity with instructions from the State department—to invite the governments to which they were accredited, to use their good offices in inducing Spain to put an end to the *quasi* war against her former colonies, by recognizing their independence, but more particularly to express to those governments the determination of that of the United States, "not to allow a transfer of the Islands of Cuba and Porto Rico to any European Power"—of which, at that period, some

apprehension existed. The main object of the correspondence with Mexico and Colombia, was to dissuade both those governments from a purpose, then supposed to be entertained, of wresting from Spain the two islands above named.

On the 16th January, Mr. Macon as Chairman of the Committee on Foreign Relations, made a long report adverse to the views of the President, and concluding with this resolution:

"Resolved, that it is not expedient, at this time, for the United States to send any ministers to the Congress of American nations assembled at Panama."

The Committee of Foreign Relations of the Senate, was composed at that session of the following persons:—Mr. Macon of North Carolina, Mr. Tazewell of Virginia, Mr. Gaillard of South Carolina, Mr. Mills of Massachusetts, and Mr. White of Tennessee.

On the 25th March, in the House of Representatives, Mr. Crowninshield from the Committee on Foreign Relations of the House, reported favorably on the mission, and concluded with this resolution:

"Resolved, that in the opinion of this House, it is expedient to appropriate the funds necessary to enable the President of the United States to send ministers to the Congress of Panama."

The Committee on Foreign Relations of the House was thus constituted—Mr. Forsyth of Georgia, Mr. Crowninshield of Massachusetts, Mr. Trimble of Ohio, Mr. Archer of Virginia, Mr. Worthington of Maryland, Mr. Everett of Massachusetts, and Mr. Stevenson of Pennsylvania.

As these two conflicting Reports present substantially the argument relied on on either side, for the support of the views taken by each, we proceed to furnish a brief analysis of each, beginning in the order of time with that of the Senate, to which, in some sense, the Report in the House is a reply.

In entering on the examination of a subject of so much novelty, delicacy, and high importance to the character and future destinies of the United States, the committee of the Senate say, they were somewhat embarrassed by the declaration in the President's message that he had *already accepted* the invitation to send a minister to Panama. Inasmuch, however, as the correspondence of the Secretary of State intimates to the several foreign ministers who joined in the invitation, that the concurrence of the Senate was indispen-

sable to give effect to its acceptance, the committee are relieved from their embarrassment, and enter at once upon the free and full examination of the propriety and expediency of the proposed mission.

They do this, not less in compliance with the President's expressed hope that their opinions may concur with his, than with what is conceived to be the right of the Senate, in all cases "where it is proposed to create a new office by nomination, or to despatch ministers to foreign states for the first time, or to accomplish by such missions objects not specially declared, or under circumstances new, peculiar, and highly important," to extend its inquiries not merely into the fitness of the persons nominated, but into the propriety or expediency of the mission itself, and into all the circumstances and objects connected therewith, or to be affected thereby.

The first objection of the Committee is, that this new and untried measure was in conflict with the whole course of policy, uniformly and happily pursued by the United States, of avoiding all entangling connections with any other nation whatever. For such departure no sufficiently cogent reasons had been assigned. During the fierce struggle of the new States for independence, the United States, notwithstanding their natural sympathies with nations thus engaged, adhered unfalteringly to the neutrality which they had proclaimed as the rule of their conduct; nor until these States had become independent *in fact*, by the expulsion of the Spaniards, did this country recognize them. But when it did so recognize them, it was done freely and joyfully, and ministers were commissioned without delay to several of the new Republics. Through these Ministers all the objects may be attained which could be attained at the proposed Congress, and without any deviation from existing usages.

An examination of the reasons assigned by the new States for desiring the attendance of the United States, and of the motives of the President of the United States for acceding to this desire, did not remove the objections of this Committee.

There is too much vagueness and latitude in the whole scheme. Before the destinies of the United States should be committed to the deliberations and decisions of a Congress composed not of our own citizens, but of the representatives of many different nations, it was to be

expected that the objects of such deliberations should be accurately stated and defined, and the manner of their accomplishment clearly marked out. The President himself made this suggestion in the first instance, and required as a condition of his acceptance of the invitation proposed to be given, that these preliminary points should be arranged in a manner satisfactory to the United States. The Committee express both surprise and regret that the Executive should have decided subsequently to send Commissioners at once, without insisting on that condition.

Under these circumstances, the Committee have no other explanation to give to the Senate, as to the objects to be accomplished at this Congress, than what may be collected from the language of the Mexican minister in reply to the Secretary of State, that they are those "to which the existence of the new States may give rise, and which it is not easy to point out or enumerate;" and it is expected that ample powers are to be granted to our ministers, to accomplish all the enumerated and all the undefined objects that might arise, without any knowledge as to how these powers are to be used and exercised. The Committee unhesitatingly express the opinion that nothing known to them requires or justifies at this time, the commissioning to this Congress of agents endowed with undefined powers, to accomplish undefined objects.

It is no wise changes this view, that the Senate have the power of rejecting any agreement or treaty which might be made—for the mere act of entering into a negotiation is sometimes productive of embarrassments from which it is difficult to escape; and hence, until the objects of negotiation are distinctly known and approved, it is better to abstain from it altogether, than to confide in the power of the Senate to refuse its assent afterwards.

Turning from the objects thus indefinitely shadowed forth, as likely to occupy this Congress, to those more distinctly enumerated, the Committee object that the different States take different views even of these—and that while some of the topics enumerated by the foreign ministers are not at all referred to by the President in his message to the Senate, other topics are mentioned in that message which find no place in the communications of those ministers.

The first and great object of the Congress

according to the Mexican and Colombian ministers, would seem to be the resistance of any interference by a neutral nation between the new States and Spain, and the manner and proportion in which each State should coöperate to this end. But the President of the United States assures the Senate that "the motive of the attendance of the United States, is neither to contract alliances, nor to engage in any undertaking or project importing hostility to any other nation." Here, then, at once was difference of opinion between the President and the representatives of these foreign States, upon the most vital point on which the deliberations of this Congress were to turn—a difference which must unavoidably cause injurious doubts in those States, as to the interest we take in their welfare, and our disposition to comply with their wishes.

The next subject stated by the Mexican minister is, "the opposition to colonization in America by the European powers," or, in the language of the Colombian minister, "the manner in which all colonization of European powers on the American Continent shall be resisted"—an object to be effected by the joint and united efforts of the States to be represented at the Congress.

The President concurs in the end, but differs as to the means of attaining it; his views contemplating only "an agreement between all the parties represented at the meeting, that each will guard, by its own means, against the establishment of any future European colony within its borders." Here, again, is essential difference between the views of the President and of the other parties. Moreover, if the President only meant that each nation, by its own power and means, should protect its own territory from encroachment, whether "by European or other foreign States whatsoever," there could be no necessity for treaty stipulations to do that which all nations of right would do; but if more is meant, more could not be stipulated, without violating the well-settled policy of the United States, and putting at hazard their best interests.

Two other topics are suggested by the ministers of Mexico and Colombia: "the means of abolishing the African slave-trade," and "the relations of Hayti to the American States." To neither of these topics does the President allude; they are both, therefore, summarily dismissed by the Committee—the first, on

the ground that the United States do not assume the right to dictate to others on that subject, nor to proclaim abstract principles, of the rectitude of which each nation has the right of deciding for itself; the second, because the United States should never permit themselves to enter into discussion with any foreign State whatever, as to the relations they should be obliged to entertain with any other people not parties to such discussion.

Besides these primary objects suggested by the Mexican and Colombian ministers, the minister from Guatemala, who also joins in the invitation, intimates that, "as Europe has formed a *continental system*, and held a congress whenever questions affecting its interests were to be discussed, America should also form a system for itself." How far this suggestion meets the views of the President does not appear; but the Committee, because it seems the prominent object of the proposed Congress, argue strongly against it as inexpedient and *injurious* in itself, and, moreover, as one concerning which there is no authority in the government of the United States to negotiate at all.

The substance of the argument may be thus stated. The Committee doubt the authority of the United States Government "to enter into any negotiation with foreign nations for the purpose of settling and promulgating either principles of internal polity, or mere abstract propositions, as parts of the public law. And if the proposed Congress is viewed but as a convenient mode of conducting a summary negotiation, relative to existing interests, important to this continent alone, it not only may, but most probably will, be considered by all other civilized nations as a confederacy of the States therein represented, for purposes as prejudicial to the Old, as they are supposed to be beneficial to those of the New World. . . . Whenever this suspicion shall be entertained by the nations of the Old World, and especially by those who still hold possessions on this Continent, it must be obvious to all that consequences much to be deplored will unavoidably result."

Having disposed of all the topics enumerated by the different ministers as those proper to occupy the attention of the Congress, the Committee turned to those indicated by the President, but nowhere alluded to by the other parties, and they at once start an objection of dignity—in

the possible case that the Congress, not finding these topics included in their *programme*, may refuse to consider them, and thus place the United States in "a degraded position."

The first of these topics is "the establishment of principles of a liberal commercial intercourse." This, the Committee think, may be more surely accomplished, as far as it can be accomplished at all, by separate negotiations with the separate States; each of which having peculiar interests, productions and wants, can but judge of the nature and extent of commercial intercourse it may suit it to encourage. The consentaneous adoption of principles of maritime neutrality, favorable to the navigation of peace and commerce in time of war," is the next object which the President suggests. The reasoning applicable to "commercial intercourse," is alike applicable, the Committee think, to the commerce of peace; and as to the rules of war applicable to navigation, the Committee see "great risk of compromising and destroying the relations of neutrality which the United States are now maintaining, should they involve themselves by any compact relative to belligerent rights, entered into with only one of the parties to the present war, during its continuance."

Hence the Committee conclude that "the great maritime states of Europe would most probably consider that the United States had seized the occasion of this war to enter into a confederacy with the other States of this continent, now actually engaged in it, for the purpose of settling principles intended materially to affect their future interests."

"The advancement of religious liberty" is another topic suggested by the President; and as a motive for some effort in this behalf, the fact is noticed that in some of the Southern nations an exclusive church, without toleration of any other, has been incorporated with the political constitution.

The Committee look upon this topic as altogether objectionable, and unfit to occupy the deliberations of Congress upon any suggestion from the United States: first, because it would contradict our well-settled practice not to intermeddle in the internal affairs of other states; and secondly, because, of all topics, that touching the religious faith or profession of any people is the most delicate and sacred. The Committee confidently express the opinion, that if ever an intima-

tion shall be made to the sovereignties represented at the Congress, that it was the purpose of the United States to discuss there their plan of civil polity, or the interests of their religious establishments, the invitation given to us would soon be withdrawn.

Having thus exhibited to the Senate the objects of the proposed Congress, as stated both by the foreign ministers and by the President, and their conclusion, after due consideration, against the adoption of the measure proposed by the President, the Committee might have here terminated, but for the revelation in some of the correspondence accompanying the President's message of still other objects, the chief of which was, "the present and future condition of Cuba and Porto Rico." From the papers referred to, it appeared that during the year 1825 serious apprehensions existed that Mexico and Colombia were about making a concerted attempt to wrest these fine islands from the Spanish crown. This was a cause of great uneasiness to the United States, who desire nothing better than that those islands should remain as they are; but who were not without solicitude, if the attempt of the new Republics should succeed, lest, eventually, anarchy not unlike that at St. Domingo might ensue, to the very great injury and danger of our own country and all others. On the other hand, they were not without apprehension that, in order to prevent the possibility of such a catastrophe, and with the knowledge that Spain was powerless to succor these rich colonies, France or England, or both, might seize these islands, and hold them nominally for Spain, but in reality for themselves. In this perilous contingency, the government of the United States took ground at once manly and frank. They instructed their minister at the court of Madrid to urge upon the Spanish king the hopelessness of the attempt to reconquer the revolted colonies, and to draw his attention specially to the danger which menaced those colonies yet faithful, and of such great value—Cuba and Porto Rico—and, by these and other weighty considerations, to bring him if possible to acknowledge the independence of the new States, and thus restore peace. They at the same time instructed their ministers at London, at Paris, and at St. Petersburg, to explain to each of those courts the danger which menaced Cuba and Porto Rico, to the end that they might coöperate with the

United States in the effort to induce Spain to put an end to the war; with special directions, moreover, to say distinctly to the governments to which they were accredited, that the U. States "would not consent to the occupation of those islands by any other European power than Spain under any contingency whatever."

While thus frankly explaining themselves to Europe, this government dealt with like frankness with Mexico and Colombia. After apprising the governments of both those countries of the steps taken by the United States with the chief powers of Europe, to induce them to hasten the period when Spain might recognize the independence of the new Republics, and explaining the position we had assumed with regard to Cuba and Porto Rico in the face of the world, the Secretary of State expressed the expectation and desire, that at least until the effect of this friendly interposition could be ascertained, the plans of Mexico and Colombia, if any such were entertained, of attempting the conquest of these islands, would be postponed.

The whole of this matter being developed by the correspondence which was laid before the Senate, the Committee seized upon it as another cause of objection to the Panama mission. Falling far short of the tone adopted by the administration, that "the United States would not, in any contingency whatever, consent to the occupation of Cuba and Porto Rico by any European power other than Spain," the Committee feebly say, they "are well aware that the United States can never regard with indifference the situation and probable destiny of those islands"—but, nevertheless, they think it highly inexpedient that the subject should be discussed at a Congress of the American nations; for, on the one hand, if the war continued, the United States could not, with any propriety, interpose to prevent the new Republics from striking their enemy where alone he is most assailable and most vulnerable by them; and on the other, if peace should supervene, all apprehension on the subject would cease. In neither event, therefore, was anything to be gained by the United States in bringing this subject before the Congress.

The Committee go on to argue at some length, that the moral force of the position of the United States, which alone enables them to render any effective service in Europe to the cause of the new

Republics, arises from their known determination not to mingle their interests with those of the other States of America. By making, or appearing to make, common cause with those Republics, in a general Congress, this moral force would be lost, and thereby not only the new States would be injured, but their own character and interests would be materially prejudiced.

In conclusion, the Committee, after objecting to the substance, object to the form in which the proposed Congress was called and arranged, as derogatory to the prepotency and eminence among American nations of the United States; and for all the reasons stated, and without entering into any investigation of the qualifications of the individuals nominated as ministers, they pronounce the mission inexpedient.

For two months after the Report was made, the Senate held the subject in deliberation. The secret sessions were numerous and prolonged, and it was only on the 14th March that the resolution appended to the Committee's Report against the mission, was *disagreed to* by the following vote:

Ayes: Messrs. Benton, Berrien, Branch, Chandler, Cobb, Dickerson, Eaton, Findlay, Hayne, Holmes, Kane, King, Macon, Randolph, Rowan, Van Buren, White, Williams, Woodbury—19.

Noes: Barton, Bell, Boulogny, Chambers, Chase, Clayton, Edwards, Harrison, Hendricks, Johnston of Kentucky, Johnson of Louisiana, Knight, Lloyd, Marks, Mills, Noble, Robbins, Ruggles, Sanford, Seymour, Smith, Thomas, Van Dyke, Willy—24.

On the same day the nominations of Messrs. Anderson and Sergeant, as ministers, were confirmed.

We shall have occasion, after presenting the analysis of the Report in the House of Representatives, to enter into some detail as to the part taken, and the speeches made, in both Houses, by the friends and opponents of this measure—a detail that will be rendered more intelligible by previously laying before the reader the argument on each side.

On the 15th March, the day succeeding that on which the Senate assented to the mission and confirmed the nomination of ministers, President Adams sent a message to the House of Representatives, in answer to a resolution of that House of the 5th of February preceding, asking information respecting the character and

objects of the proposed Congress, in which he forcibly exhibited the advantages which, in his judgment, might result from the assembling of that body, and from the presence there of representatives of the United States. After explaining the whole matter, and his acceptance of the invitation in behalf of the United States—subject to the advice and consent of the Senate—he informs the House that its “concurrence to the measure by the appropriations necessary for carrying it into effect, is alike subject to its free determination, and indispensable to the fulfillment of the intention.”

This message, with the accompanying papers, (similar to those submitted to the Senate,) were immediately referred to the committee on Foreign Relations. From this committee Mr. Crowninshield, on the 25th March, made a Report concluding with a resolution “that in the opinion of this House it is expedient to appropriate the funds necessary to enable the President of the United States to send ministers to the Congress of Panama.”

On this resolution a debate, protracted through several weeks, ensued, when an amendment, moved by *Mr. McLane* of Delaware, virtually nullifying the mission, even if otherwise authorized, prevailed by a vote of 99 to 95; whereupon the supporters of the original resolution abandoned it as amended—and the vote on it being taken next day, 21st April, it was lost—54 ayes, 143 noes.

The bill reported from the Committee of Ways and Means, making appropriations for the mission, was soon after called up; and after an attempt to strike out the enacting clause, which failed—61 to 134—the bill passed; and thus the mission received the sanction of both Houses.

We now return to the report of the Committee of the House.

The Committee first explain that the Congress of Panama is merely an “assembly of diplomatic agents, clothed with no power except to discuss and to negotiate, deputed by governments whose constitutions require that all engagements with foreign powers shall be subject to the ratification of some organic body at home.” In order, moreover, to guard against all possible mistake as to the design of this Congress, it is expressly stipulated in the treaties between Colombia and the new Republics, that the meeting at Panama “shall not affect in

any manner the exercise of the national sovereignty of the contracting parties, in regard to their laws and the establishment and form of their respective governments.”

As to the *objects* of the assembly, the most entire liberty is left to the parties present to propose whatever may be esteemed of common good to this hemisphere, without dictation, or the semblance of dictation, by those governments whence the invitation to the United States had come. So far otherwise, indeed, was the fact, that in the letters of the Colombian minister to the Secretary of State, the utmost deference is manifested for the greater experience of the United States, and the expectation is expressed that they will avail themselves of the “opportune occasion” offered by this Congress, “to fix some principles of international law, the unsettled state of which has caused much evil to humanity.” The letter adds: “It belongs to each of the concurring parties to propose their views; but the voice of the United States will be heard with the respect and deference which its early labors in a work of so much importance demand.” The Committee conclude that “the objects of this assembly embrace in general terms the political and commercial relations of the United States with the new American Republics.”

As to the *principle* which has regulated our diplomatic intercourse, the Committee demonstrate that the moving considerations for the missions maintained by this country have been the political and commercial relations of the nations with which they were established; and not the power or grandeur of such nations. Such being the general principle, it seems particularly applicable to the case of the Panama Mission, as at that Congress questions involving our most important political and commercial interests are to be discussed. If we should decline attendance, it would not only exhibit an ungracious spirit towards neighboring republics, but take from us the right of complaining of any results contrary to our interests which might there be accomplished.

The various objections to the mission are then considered by the Committee. As to its alleged unconstitutionality, it is replied, that the Constitution imposes no restriction on the appointment of foreign ministers by the proper authority. But it is assumed that the Congress at Pana-

ma is either a government, a branch of government, or a confederacy of governments; and that the United States, by attending there, united themselves with such confederacy. The Congress is not what it is thus described, but simply a consultative meeting of diplomatic agents from independent governments. But were it what it is described, the attendance there of a minister from the United States would no more bind us to such a confederacy, than the attendance of a minister at the court of any single power, binds us to that power.

To the objection that all the objects aimed at by the Congress could be attained by separate negotiation with each State there represented, it is replied that neither so conveniently, so rapidly, nor so surely, could separate negotiations be concluded between States so geographically remote, and in various respects so politically different, as in an assembly of diplomatic agents promptly communicating with each other, counsel, information and argument.

Another objection that neither the subjects of discussion, the power of the ministers, the mode of organizing the Congress, nor of deciding questions in it, were defined with sufficient distinctness to justify the United States in attending, is met by the statement that this is merely a consultative assembly—where no one without his consent, is to be bound by the decision made—and as from the very nature and circumstances of the meeting, it would be impossible to define beforehand the precise topics to be discussed, or the precise form in which the body should be organized or deliberate, it was not reasonable to expect or require that the whole programme should be arranged and agreed upon in advance.

The hazard to our neutrality by attendance—so far as Spain was concerned—could not be as great as by the more positive act, long before adopted, of acknowledging the new States, and trading with them on the footing of independence, in direct contravention of the colonial laws of Spain. If this were not, as it could not justly be, considered by Spain a breach of our neutrality, assuredly the fact of sending representatives to a Congress of diplomatic agents from those States, could not be so considered—more especially as it was expressly stipulated on our behalf, and agreed to by the other States, that our ministers were not to take any part in the discussion or adoption of

measures of war between those States and Spain. On the contrary, it was made known to Spain through our minister there, that one of the objects of the attendance of the United States at Panama was to use our influence in behalf of peace and humanity, and for the termination of the contest between Spain and her former colonies, on terms mutually honorable and advantageous.

Nor do the Committee attach weight to the apprehension expressed, that, by attendance at the Congress, the United States may be involved in entangling alliances with some of the new States. In the first place, all project or purpose of said alliance is expressly disclaimed by the President; but if it were not, alliances cannot be framed with any nation, except with the consent and approbation of the Senate; and if there be no danger of entangling alliances by sending a minister direct to a foreign power, much less can there be in sending one to join in a mere assembly of other ministers—mere agents, and not themselves powers or governments.

But, says another objection, this Congress is an unprecedented measure. Truly so—and alike unprecedented are the position of this hemisphere and the circumstances which have suggested the Congress—eight new States suddenly taking a place among nations. But because unprecedented, is it therefore wrong or dangerous? Far otherwise. It is an assembly, not of banded oppressors—not of conquerors and kings, to cut and carve a world among themselves, without regard to any popular rights—but of the representatives of free States, anxious to establish a common basis for civil, social and international intercourse. It is an assembly to assert and secure the rights of the people, and not to strengthen the power of monarchs—the ministers who will be present are of limited power—of no authority to commit their governments to any measures—but bound to refer back to the authority which delegated them, whatever propositions or plan of mutual or general operation may be suggested. The reasoning drawn from a fancied analogy between this Congress and the Congress of European Sovereigns and Ambassadors, is wholly fallacious. It is not the act of assembling and treating together that constitutes the danger of these last-named Congresses, but the character and quality of those assembled, and the objects effected or aimed at.

Having thus disposed of all the objections to the mission, the Committee go on to expatiate on the advantages to be anticipated from it.

From the nature of the case, as well as from the terms of the invitation, the discussions of Panama would embrace all subjects of importance—

To the new States as among each other—

Or as between them and Spain—

Or of interest directly to us, in our connection with them.

These three classes of subjects, in different degrees, are all of deep concern to the United States. With the second, indeed, except as mediators, we could have no connection, for it was of express stipulation that we were not to take part in any matter that might hazard our amicable relations with Spain.

But in the other two classes we have many and strong common interests. As near neighbors, several of these states, accordingly as they are prosperous and peaceful in their intercourse with each other and with ourselves, or otherwise, become objects of great solicitude to us. One of these has an immense landed frontier on our territory, and, together with the next two in geographical position, lies on those waters into which the great internal communications of the United States are discharged. With these and with the other new States we have highly important commercial connections, and it is therefore matter of great interest to us how they shall stand towards each other. If a common feeling of mutual interests and mutual friendships shall prevail, all will increase in prosperity. On the other hand, dissension between them respecting boundaries or other vexed questions, would at once be injurious to the parties engaged, and to the other States, as well as to the United States, from the interruption of that commerce which their peaceful growth and industry could not fail to foster and enlarge. These obvious truths could not fail of producing marked effect in such a Congress; and it is not too much, probably, to say, that if it had been in session with the general concurrence of the new States, and the full coöperation of this country, the unhappy war actually existing between Brazil and the Provinces of La Plata, respecting the possession of the *Banda Oriental*, would have been prevented by the mediation of the ministers there assembled. To the work of media-

tion, in all such cases, the United States would come as the most disinterested, as well as powerful party; and the chance, in a single instance, of being able to avert or terminate a war, would of itself constitute a sufficient motive for accepting the invitation. We do not obtrude ourselves as umpires; but being invited where sectional differences are to be discussed, and the benefit of our presence, counsel and experience being invoked, no maxim of the most cautious prudence bids us stand aloof. Next to peace on our own part, the peace and prosperity of these new States are our leading interest, and the policy of maintaining peace through friendly mediation is entirely congenial with the principles and feelings of the people of the United States, and sanctioned by their practice.

Among the topics calculated deeply to engage our attention, in the existing state of affairs, is the condition of Cuba and Porto Rico. Those rich islands, the former so near our very borders, that the Moro, which commands the entrance to Havana, may be considered a fortress at the mouth of the Mississippi. The probability that this island may become the scene of a struggle between Spain and one or more of the new States—and of all the horror of such a struggle, conducted with forces inadequate on either side to complete success, but sufficient to lead to anarchy and a servile war—would alone justify the United States in attending a Congress where their presence and exhortations might avert so great a calamity—so imminent a danger. It is well said by the Committee that, “if the United States, after being invited to attend a conference of ministers of the powers by whom that invasion is projected, had declined to be present, they would have incurred a deep responsibility for whatever disastrous effects our friendly interposition might have averted or delayed.”

The direct intercourse between the new Republics and ourselves, would form a special subject of deliberation at the Congress. Our aim, from the earliest foundation of the government, in our intercourse with foreign nations, has been to establish reciprocal, liberal and uniform commercial relations with all. The benefit of our experience in this cause has been specially invoked, and “to refuse an attendance when urged, on this ground, would be to neglect, perhaps, the fairest opportunity which the history

of the world has offered, of giving a wide and prompt diffusion to liberal doctrines of public law."

After thus considering the whole case on the grounds of political expediency, and the principles of our diplomatic intercourse, the Committee add the expression of their concurrence in the sentiments of the President, that sufficient inducement, independent of all other, to accept the invitation, would be found in the desire "to meet, in the spirit of kindness and friendship, an overture made in that spirit, by three sister republics of this hemisphere."

Towards these republics our policy from the outset has been frank, liberal, and disinterested. Dismissing all jealousies, and disdaining all fears—instead of holding back when those States cast off the safe and enervating despotism of Spain, which rendered them such harmless neighbors for us—we, the first, stretched our hands out to welcome them among the nations. We ourselves assisted to break down the barrier which position had heretofore given us—of being alone on this continent without rivals or dangerous neighbors. We have aided the growth of Republics, some of which must be great and strong. The policy thus entered upon we must pursue, and bind to us by the bonds of common interest, of similar institutions, and of a frank and liberal intercourse, those who under a different treatment, might become dangerous rivals or enemies.

From all which considerations, the Committee thus conclude:

"As our attendance at the Congress, instead of being prejudicial to the public interests, is, in the judgment of the Committee, a measure of the most obvious political expediency; as it is stipulated to bring into no hazard the neutrality of the United States; as all fears of an entangling alliance have been shown to be unfounded; in a word, as the Congress will be regarded by the Executive of the United States, as purely a consultative meeting; and as the objects of consultation are of primary importance to the country, the Committee of Foreign Affairs are of opinion, that the mission to Panama ought to receive the sanction of the House of Representatives."

Having thus laid before the readers of the Review the substance of the two conflicting Reports, we shall devote the residue of our space to an exhibition of the course of some of the prominent members of both Houses.

From the first annunciation of the pro-

posed mission to its consummation, it was opposed on party grounds; and those who were already organizing to put down the administration of J. Q. Adams, though it should be "pure as the angels," seized upon this topic as one concerning which, regardless of the high interests of country which it involved, they hoped to make an unfavorable impression on the people.

In the Senate, Mr. Benton, Mr. Branch, Mr. Randolph, Mr. Van Buren, Mr. Woodbury, Mr. Tazewell, Mr. Hayne, Mr. W. R. King, (now minister in France,) were strenuous in opposition. They and their associates, in executive session, interposed all the obstacles which party tactics and party discipline could suggest; and when defeated there—after the nominations were confirmed, but while the appropriation bill was pending in the House—they transferred the subject to the legislative session, and therein indulged in most acrimonious and vindictive debate. In these debates John Randolph, the outpourings of whose unhinged mind and ill-regulated heart have, in some quarters, received the *apotheosis* of genius! was particularly prominent and particularly abusive; and from one of the speeches he then made arose the duel between him and Mr. Clay.

The machinations and devices of Mr. Van Buren were more conspicuous than his arguments, in the effort to thwart the mission. In executive session he first moved a call on the President for the communication *in confidence* to the Senate of all documents and instructions relative to the mission. Having obtained these, he then moved resolutions, which were adopted, that the whole subject be discussed with open doors, unless the President should object to the publicity of the correspondence, and asking him to say whether such publicity would be injurious. To these resolutions the President replied, that, the papers having been communicated by him *in confidence* to the Senate, upon their request so to receive them, and believing such confidential intercourse between the Executive and the Senate essential to the public interests, he "deemed it his indispensable duty to leave to the Senate itself the decision of a question involving a departure, hitherto, as he is informed, without example, from that usage."

This reply furnished a new topic of opposition. Mr. Rowan, of Kentucky, proposed resolutions of censure on the

President for declining to decide whether or not the Senate ought to sit with open doors upon executive business! and refusing to consider farther the subject of the mission until the President should give his opinion as to the propriety of a public discussion! This resolution, after debate, was modified in various ways, all, however, designed to cast censure on the Executive, and to thwart his views; till at length, stripped of the offensive features, it was passed in a form asserting that, although "the Senate have the right to publish communications confidentially made, and to discuss the same with open doors, without the consent of the President,"—yet, in this case, as the President seemed to have objections thereto, and no present exigency required the exercise of that right—the Senate would proceed as heretofore, with closed doors.

Nothing daunted by defeat, Mr. Van Buren, on the 14th of March, submitted a series of resolutions adverse to the President's constitutional authority to institute the mission. We quote the second of these resolutions because of its remarkable application to the recent "association" of Texas with this Union—an association now supported by the very men who supported the annexed resolution, which, as will be seen, denies all authority to Congress to bring about such a result!

"Resolved, That the power of framing or entering (in any manner whatever) into any political association, or confederacies, belongs to the people of the United States in their sovereign character, being one of the powers which, not having been delegated to the Government, is reserved to the States or people, and that it is not within the constitutional power of the Federal Government to appoint deputies or representatives of any description to represent the United States in the Congress of Panama, or to participate in the deliberation, or discussion, or recommendation of acts of that Congress."

This resolution, with the others, was lost; but it received the votes of Messrs. Dickerson, Benton, Hayne, Wm. R. King, Macon, Randolph, Van Buren, Rowan, Woodbury, &c.

It is, taken altogether, a complete *non sequitur*; for, admitting as we do entirely, and as was probably done by those who voted against the resolution as a whole, the truth of the first deduction, it has no application whatever to the second, respecting the constitutional authority to

establish the mission to Panama, seeing that no "new political associations or confederacy" were then contemplated.

Finding all expedients vain, and that factious opposition in executive session produced no capital out of doors, the vote was taken on the same day, on the resolution of the Committee on Foreign Relations, declaring the mission *inexpedient*. It was negative—ayes 19, noes 24. The ayes were Messrs. Benton, Berrien, Branch, Chandler, Cobb, Dickerson, Eaton, Findlay, Hayne, Holmes, Kane, King, Macon, Randolph, Rowan, Van Buren, White, Williams, Woodbury.

The nominations were then confirmed.

The length to which this paper has been already protracted forbids our going into detail, and furnishing, as we intended, extracts from the speeches of the Senators who opposed the mission. It must therefore suffice to say, that Mr. Hayne of South Carolina, Mr. White of Tennessee, Mr. Van Buren of New York, and Mr. Woodbury of New Hampshire, particularly, resisted that object, which, among others, was to be embraced in the deliberations of the Congress—the renewed and more emphatic expression of Mr. Monroe's declaration that this continent, under the reservation of existing rights, was henceforth to be exempt from European interference or European colonization.

Any agreement on our part with the South American nations to proclaim this as the policy and resolute purpose of each and all, was denounced as a total departure from the established policy of our country—as beyond the constitutional authority of this government, and as offensive to the nations of Europe. Mr. Randolph, who, in the legislative session, spoke hour after hour and day after day about the mission, magnified the power of the European nations as unduly and unreasonably as he depreciated the character and insulted the feelings of the new American States.

By all the opponents of the mission, a *system of American republics*, framed for the protection of freedom—for the advancement of mutual, harmonious and liberal intercourse—and defensive, not by arms, but in spirit and purpose, against the pretensions of the monarchical system of Europe—the Holy Alliance—were ridiculed or denounced. No sympathy for struggling freemen on our own continent—no generous sentiment of a new-world destiny, and of corresponding

new-world duties—no self-relying consciousness that, as Americans, we are sufficient unto ourselves, and competent to discuss and to determine whether, and in how far, we will be governed by an old international code, adopted without our concurrence, and adapted to political conditions and circumstances widely different from our own. Party disguised from patriotism its true path—and though happily defeated in the main efforts, it did, indirectly, have the effect of paralyzing a proceeding which it could not wholly prevent.

In the House of Representatives, the same narrow spirit, the same factious opposition—claiming to speak in the name of country, and seeking to shelter itself under the mantle of Washington—was manifested. We select, by reason of his present eminence—then as little anticipated as now it is likely to be justified by results—for special citation, the part taken by Mr. Polk.

On the 11th April, Mr. Polk offered the following resolutions:

“Resolved, That it is the constitutional right and duty of the House of Representatives, when called on for appropriations to defray the expenses of foreign missions, to deliberate on the expediency or inexpediency of such missions, and to determine and act thereon, as in their judgment may be most conducive to the public good.

“Resolved, That it is the sense of this House that the sending of Ministers on the part of the United States to take part in the deliberations of the South American nations at Panama, would be a total departure from the uniform course of policy pursued by this government from the adoption of the Federal Constitution to the present period; and might, and in all probability would, have a tendency to involve the nation in “entangling alliances,” and endanger the neutrality and relations of amity and peace, which at present happily subsist between the United States and the belligerent powers—Old Spain and the Southern Republics on this Continent.

“Resolved, therefore, That it is inexpedient to send ministers on the part of the United States, to take part in the deliberations of the said Congress of South American nations at Panama, and that it is inexpedient to grant any appropriations to defray the expenses of the said mission.”

These resolutions were, on Mr. Polk's motion, referred to the Committee of the Whole on the state of the Union.

On the 20th, Mr. McLane's amendment, which went to cripple the mission by restricting the powers of the ministers,

and which, among other prohibitions, forbade them even “to discuss, consider or consult on any stipulation, compact or declaration binding the United States in any way, or to any extent, to resist interference from abroad with the domestic affairs of the aforesaid governments, or any measure which shall commit the present or future neutral rights or duties of the United States, either as may regard European nations, or between the several States of Mexico and South America,” was adopted by the House of Representatives by a vote of ninety-nine to ninety-five—Mr. Polk, Mr. McDuffie, Mr. Hoffman, (now naval officer of New York,) Mr. Cambreleng, Mr. Verplanck, Mr. Ingham, and Mr. Kremer of Pennsylvania, together with the whole opposition, being in the affirmative.

The next day Mr. Polk addressed the House concerning his purpose to vote against the resolution, even with the amendment adopted at the previous sitting. That amendment did indeed assert the right of the House to a voice in the institution of a new foreign mission, and did declare that the ancient policy of the country to keep clear of all “entangling alliances” was not to be departed from. To these views Mr. Polk said he willingly adhered, and that, “however strong his sympathies in favor of liberty and republican institutions, in whatever part of the world they might make their appearance, the peace, the quiet and the prosperity of his own country were paramount to every other consideration.” Mr. Polk then argued the right of the House of Representatives to a voice in the institution of foreign missions; and having insisted (contrary to the well-established practice of the government) that such was the true construction of the Constitution, he again reverted to the dangerous nature of the Panama Congress. “We have heard,” said Mr. P., “during this debate, a great deal about the fraternity of the Republics of the South; about the necessity of signifying our good feeling, and sympathies for the cause of freedom in which they are engaged, by extending to them the counsels of our experience, and uniting with them in the deliberations at Panama. We have been repeatedly told, not only by gentlemen on this floor, but the idea has been held forth in the documents which have lumbered our table, that this Congress at Panama was an American, a republican policy.” Mr. Polk, after this

sneering allusion to the Congress and its objects, thinks it reason enough to object to the whole scheme, that "his august majesty the Emperor of Brazil" was invited (how, as an American power, could he be omitted?) to send representatives there.

Mr. Polk then added—"This is a portentous and very important crisis in the history of this country, and every patriot should be at his post. We are about to depart from our ancient and plain republican simplicity, and to become a great and splendid government; new projects are set on foot; we are called upon by the President to change the whole policy of the country, as adopted by our fathers, and so happily pursued by their posterity down to the present period. He called on gentlemen, before they abandoned the present safe policy of the country, to ponder well what they are about to do." Mr. Polk, therefore, announced his purpose to vote both against the resolution—declaring the mission expedient under the limitations and restrictions of Mr. McLane's amendment—and against the bill making appropriations for that mission; and he did vote against both, most of his own party friends abandoning him in the last vote.

The amendment of *Mr. McLane* was supported by higher names *then*, abler men *now*, than Mr. Polk. Besides the mover, P. Barbour of Virginia, James Hamilton of S. Carolina, Jas. Buchanan, and Messrs. Hemphill and Ingham of Pennsylvania, strongly maintained its expediency. It was resisted by Messrs. Brent and Edward Livingston of Louisiana, Buckner and F. Johnson of Kentucky, Markley and Wurtz (now the President of the Delaware and Hudson Canal Company) of Pennsylvania, Reed and Webster of Massachusetts. We have room only for some extracts from the admirable speech of the latter, confining them chiefly to the topic, now become so prominent and significant by Mr. Polk's reassertion of it—his former opinions to the contrary notwithstanding—that this continent is not henceforth to be the scene of European interference or colonization.

"I concur entirely," said Mr. Webster, "in the sentiment expressed in the resolution of the gentleman from Pennsylvania, (Mr. Markley,) that the declaration of Mr. Monroe was wise, seasonable and patriotic. It has been said in the course of this debate, to have been a loose and vague declaration.

It was, I believe, sufficiently studied. I have understood, from good authority, that it was considered, weighed, and distinctly and decidedly approved, by every one of the President's advisers, at that time. * * *

I agree that the message did mean something, that it meant much; and I maintain that the declaration answered the end designed by it, did great honor to the foresight and spirit of the Government, and that it cannot now be taken back, retracted, or annulled, without disgrace. It met, sir, with the entire concurrence and hearty approbation of this country. The tone which it uttered found a corresponding response in the hearts of the free people of the United States. That people saw, and they rejoiced to see, that, on a fit occasion, our weight had been thrown into the right scale, and that, without departing from our duty, we had done something useful, and something effectual in the cause of civil liberty. One general glow of exultation—one universal feeling of the gratified love of liberty—the conscious and proud perception of the consideration which the country possessed, and of the respect and honor which belonged to it—pervaded all bosoms. Possibly the public enthusiasm went too far. It certainly did go very far. But the sentiment which this declaration inspired, was not confined to ourselves. In that very House of Commons, of which the gentleman from South Carolina has spoken with such commendation, how was it there received? Not only, sir, with approbation, but I may say with no little enthusiasm. While the leading minister expressed his entire concurrence in the sentiments and opinions of the American President, his distinguished competitor in that popular body, less restrained by official decorum, more at liberty to give utterance to the feelings of the occasion, declared that no event had ever created greater joy, excitement and gratitude among all the freemen in Europe; that he felt pride in being connected by blood and language with the people of the United States; that the policy disclosed by the message became a great, a free, and an independent nation; and that he hoped his own country would be prevented by no mean pride nor paltry jealousy from following so noble and glorious an example. * * *

But how should it happen that there should be now such a new-born fear on the subject of the declaration? the crisis is over! the danger is past! * * * Most of the gentlemen who have now spoken on the subject, were at that time here; they all heard the declaration. Not one of them complained, and yet now when all danger is over, we are vehemently warned against the sentiments of the declaration!"

Respecting our acquiescence in the pos-

sible occupation of Cuba by some European power other than Spain, Mr. Webster makes a very strong argument, in the course of which occur these passages.

"It has been asserted, that although we might rightfully prevent another power from taking Cuba from Spain by force, yet if Spain should choose to make the voluntary transfer, we should have no right whatever to interfere. Sir, this is a distinction, without a difference. If we are likely to have contention about Cuba, let us first well consider what our rights are, and not commit ourselves. If we have any right to interfere at all, it applies as well to the case of a peaceable, as to that of a forcible, transfer. If nations be at war, we are not judges of the question of right in that war. We must acknowledge in both parties the mutual right of attack, and the mutual right of conquest. It is not for us to set bounds to these belligerent operations, so long as they do not affect ourselves.

* * * The real question is whether the possession of Cuba by a great maritime power of Europe would seriously endanger our immediate security, or our essential interests. The general rule of national law is unquestionably against interference in the transactions of other States. There are, however, acknowledged exceptions, growing out of circumstances, and founded in those circumstances. * * * The ground of the exception is self-preservation. Now, sir, let us look at Cuba. * * * Cuba, as is well said in the report of the Committee on Foreign Relations, is placed in the mouth of the Mississippi. Its occupation by a strong maritime power would be felt in the first moment of hostility, as far up the Mississippi and the Missouri as our population extends. It is the commanding point of the Gulf of Mexico. It lies in the very line of our coastwise traffic, interposed in the very highway between New York and New Orleans."

Proceeding from this topic to an imputation thrown out that the project of the Panama mission had been forced upon the President by his Secretary of State, Mr. Webster made this fine reference to that eminent man, and to his acknowledged services in the cause of South American liberty.

"Pains have been taken by the honorable member from Virginia to prove that the measure now in contemplation, and indeed the whole policy of the government respecting South America, is the unhappy result of the influence of a gentleman formerly filling the chair of this House. He charges him with having become himself affected at an early day with what he is pleased to call the South American fever, and with having

infused its baneful influence into the whole councils of the country.

"If, sir, it be true that that gentleman, prompted by an ardent love of civil liberty, felt earlier than others a proper sympathy for the struggling colonies of South America, or acting on the maxim that revolutions do not go backwards, he had the sagacity to foresee earlier than others the successful termination of those struggles—if thus feeling, or thus perceiving, it fell to him to lead the willing or unwilling councils of his country to her manifestations of kindness to the new governments, and in her seasonable recognition of their independence—if it be this which the honorable member imputes to him—if it be by this course of public conduct that he has identified his name with the cause of South American liberty, he ought to be esteemed one of the most fortunate men of his age. If all this be, as it is here represented, he has acquired fame enough. It is enough for any man thus to have connected himself with the greatest events of the age in which he lived, and to have been foremost in measures which reflect high honor on his country, in the judgment of mankind. Sir, it is always with reluctance that I am drawn to speak in my place here of individuals, but I could not forbear what I have said, when I hear in the House of Representatives, and in the land of free spirits, that it is made matter of imputation and reproach, to have been first to reach forth the hand of welcome and of succor to new-born nations, struggling to obtain and to enjoy the blessings of freedom."

Passing from this topic to an examination of the far greater difficulties which the Spanish American States had struggled against and overcome, than those which opposed our contest for freedom, Mr. Webster thus terminated his noble speech:

"A day of solemn retribution now visits the once proud monarchy of Spain—the prediction is fulfilled—the spirit of Montezuma, and of the Incas, might now well say—

'Art thou too fallen, Iberia? Do we see
The robber and the murderer weak as we?
Thou! that hast wasted earth, and dared
despise

Alike the wrath and mercy of the skies;
Thy pomp is in the grave, thy glory laid
Low in the pit thine avarice hath made.'

"Mr. Chairman, I will detain you only with one more reflection on the subject. We cannot be so blind—we cannot so shut up our senses, and smother our faculties, as not to see, that in the progress and the establishment of South American liberty, our own example has been among the most stimulating causes. That great light—a

light which can never be hid—the light of our own glorious revolution, has shone on the path of the South American patriots from the beginning of their course. In their emergencies, they have looked to our experience; in their political institutions, they have followed our models; in their deliberations, they have invoked the presiding spirit of our liberty. They have looked steadily, in every adversity, to the *Great Northern Light!* In the hour of bloody conflict, they have remembered the fields which had been consecrated by the blood of our own fathers; and when they have fallen, they have wished only to be remembered with them as men who had acted their parts bravely for the cause of liberty in this western world.

"Sir, I have done. If it be weakness to feel the sympathy of one's nature excited for such men in such a cause, I am guilty of that weakness. If it be prudence to meet their proffered civility, not with kindness, but with coldness, or with insult, I choose to follow where natural impulse leads, and to give up this false and mistaken prudence for the voluntary sentiments of my heart."

The resolution reported by the Committee on Foreign Relations, limited and restricted as it was after the adoption of Mr. McLane's amendment, was voted down by the friends of the mission, and on the same day the bill making appropriations for the ministers passed by a large majority, and thus terminated in Congress the long and able discussion.

The delays occasioned by the long and vindictive opposition in the two Houses to the proposed mission, although it did not defeat its purpose, did in fact interfere materially with its success.

The period fixed for the first meeting of the Congress was in the month of June. As it was not until the 20th of April that the House of Representatives voted the appropriation, it was impossible for Mr. Sergeant to reach the place of meeting in time. To Mr. Anderson, however, his colleague in the mission, who was at the time minister of the United States in Colombia, instructions were dispatched to proceed, without loss of time, to Panama. On his way thither, at Carthagena, he was attacked with a malignant fever, which unfortunately proving fatal, the United States were without any representative at the Congress, which assembled on the 22d June.

We may briefly add, in order to complete the story, that Peru, Mexico, Central America and Colombia, were present at the Congress by their ministers: Bolivia had not yet organized its govern-

ment, and was not represented; and the concurrence of the legislature of the republic of Chili was not obtained in time to the nomination of plenipotentiaries. The governments of Great Britain and of the Netherlands, though uninvited, sent diplomatic agents to watch the proceedings of this body. They were not present at its deliberations, but received communication of the proceedings as they occurred.

Owing to the absence of the United States, no questions touching their interests were mooted; and it was quite manifest that from the same cause the effect and importance of the Congress were impaired to such a degree that its moral weight and influence, both upon the nations of this continent and of the other, were of little account. The body continued in session until 15th July—confining their deliberations and doings to matters exclusively concerning the belligerent States—and another session was ordered to be held in February, 1827, at Tacubaya, near the city of Mexico.

Mr. Poinsett, the minister of the United States in Mexico, was substituted for Mr. Anderson; but before the period for holding the second session had arrived, the dangerous ambition of Bolivar, and the intestine divisions of some of the new States, had entirely changed the aspect of affairs, and rendered that impracticable then, which, with a more hearty and unanimous concurrence of the United States in the noble, wise and disinterested objects of this assembly of nations, might at an earlier day have been accomplished.

But although the great American principles which prompted the nations of this continent to assemble, by their representatives, at Panama, were, for the time, left in abeyance, this nation gave its assent to them—tardy, indeed, by reason of the opposition of those professing to be the democratic party, but in the end complete. To these principles we are still committed, and by them we are irrevocably bound. Chief among these, most significant and most far-reaching, is that one first proclaimed by Mr. Monroe, and, on occasion of this Congress, reiterated by John Q. Adams—of the future exemption of this continent from European interference or European colonization.

For us that is now the law, to be acted up to in moderation and with firmness, without seeking occasion to enforce it, and with all the forms of conciliation in the manner of enforcing it when occasion re-

quires, but to be relinquished and departed from—never.

Of this truth, Mr. Polk, as President, has become sensible—though it was hidden from his view when a partisan on the floor of Congress—and in his recent message to Congress he thus reiterates it:

"In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American Continent."

Events seem hastening on, which are to give to this declaration its trial and its proof. California, owing to the weakness and distraction of Mexico, is now in a position towards Europe and America, analogous to that of Cuba, when Mr. Adams declared to all the world that the United States would not consent, in any contingency, to the acquisition of that island from Spain by a European power.

On the subject of California, and of the necessity, if it ceases to belong to Mexico, that it should belong to us, unless it can become a firmly based independent Republic, our readers will find our views fully set forth in another article in this number, expressly devoted to that subject. It is therefore sufficient here, merely to refer to the probability, that this fine region of North America will be peacefully acquired by the United States, to prove the wisdom and foresight of the declaration made to the last generation by Presidents Monroe and Adams, of the exemption of this continent from European interference or possession. That declaration, communicated of course to foreign governments at the time, and not resisted, nor, so far as appears, objected to, has become a law for us and for others, and will be the all-sufficient reply to any remonstrance that should ever be made from the Old World against the peaceful extension of our territory and institutions over California.

It is a principle, moreover, indispensable to our safety, and therefore essentially defensive. We do not disguise from ourselves the fact, that with our Norman-Saxon blood, we inherit the passion for extended dominion, which is the vice of that blood; but it is not in this passion, nor even in the consequent earnest desire on our part to avoid—in relation especially to California—by early legitimate action, any such lawless and undignified conduct as took place in the hurried acquisition of Texas, that we seek for the foundation of this principle. It is in the antagonism of European and of American institutions, and interests, that we seek and find its origin and its justification. We are set apart, as it were, with the dissociable ocean interposed between, to carry out the great experiment of man, self-government. Thus far it is a successful experiment, and with whatever occasional practical counteractions and contradictions, it has promoted, and does promote, the greater happiness of the greater numbers, in a degree never reached under any other form of government, or in any other region. Man, in the United States, is emphatically free in the enjoyment of life, liberty, and in the pursuit of happiness. All occupations and all stations are open to all; the rights of labor, and the acquisitions of labor are secure; the hand of government is unfelt in exactions, either upon persons or upon property—it is indeed unseen by all but evil-doers, and millions of people scattered over a wide and fertile land, are born, live and die without the consciousness of having at any moment of their career, been interfered with, hindered, restrained, or oppressed, by the laws or the ministers of the laws. Their duty towards their neighbors and their duty towards God, they fulfill alike, without authoritative prescription or proscription, other than that of the moral law written by the hand of the Almighty upon the heart, and made manifest in the revelation of his Son.

To such an enviable condition of affairs, our distance from other nations, under different forms of government, has not a little contributed, and the ocean has served at once as the element of our prosperity and the ægis of our defence. It has brought us the commerce of the Old World, it has brought us countless thousands of its peaceful children, and it has kept from us, its men of war, its feudal, hierarchal and monarchical institutions.

This immunity we desire to preserve.

We know too well the utterly irreconcilable character of the foundation upon which our institutions and the institutions of European governments are reared, to consent to place them in presence of each other on this continent. The deathless struggle, the *μαχη αθανάτος*—which has ever existed, and must ever exist, between the principle of the people's sovereignty, and that of the rights of kings—though both, in their legitimate scope, derived from and sanctioned by Divine appointment—cannot be renewed here without the wars and desolations which have marked it elsewhere. Why should it be renewed here? This land was sought by our forefathers, because they desired to escape the evils, the oppressions, the inequalities

of the Old World. This—their place of refuge—they have, from a wilderness, converted into a garden, blossoming as a rose. The spectacle of their prosperity, and the influence of their successful example—spreading from sea to sea, and from the frozen north almost again to the frozen south—have filled this hemisphere with the same hopes, aspirations and purposes; and therefore it is, that by the common consent, and united voice of the American nations, it is proclaimed anew, through the instrumentality of these United States, that NO FUTURE EUROPEAN COLONY OR DOMINION SHALL, WITH OUR CONSENT, BE PLANTED OR ESTABLISHED IN ANY PART OF THE NORTH AMERICAN CONTINENT.

AVE DEO.

BY W. W. CLEMENTS.

Woods in floods of light are waving
To and fro like swinging seas,
While above their tops are floating
The glad children of the breeze.

Like a ghost in moonlight straying,
Steals along the trembling fawn;—
Stars, like children, now are playing
In and out the gate of dawn.

An hour ago, the tempest swelling
Smote in wrath the shrinking sod—
Thunders trooped above our dwelling,
Throbbing like the pulse of God.

Over time's abyss impending
Centuries, in darkness lie
Giant remnants, vast, unending,
Shadows of a Deity!

Life and death!—a thin partition
All thy mysteries divide,
For in shadow walks the spirit
With the mortal, side by side.

In my heart lives many a token
Of the past's enchanted spell,
As the sound, when hours are spoken
Lingers in the hollow bell.

Thus in high melodious measure
Bards their holy strains prolong;
Heirs to the eternal treasure
Buried in the depths of song.

Cattskill Mountain, Oct. 28, 1845.

ADVENTURES ON THE FRONTIER OF TEXAS AND MEXICO.

BY CHARLES WINTERFIELD.

NO. V.

THERE was no member of the party who did not of course understand at once, that Bill had led Castro and his Indians back to the place where he had shot Agatone's lieutenant, and lost sight of the man with the "red on his cloak," and that Castro had taken his trail, and followed it with unerring skill to the very spot where the horse was hitched. The Indian's expressive gesture and exclamation, "That him!" had settled the matter with regard to Davis—and no further questions would have been asked, but that every one was eager to hear whether any discovery had been made concerning Agatone. Leaving Davis tied and stretched upon the ground, on the inside of the picketing, the whole party climbed the blocks, and eagerly crowded around Castro, to hear his narrative. There was a degree of mystery about the escape of the Bandit Captain which intensely excited the curiosity of these men—Davis was securely enough hampered, and they felt no apprehensions with regard to him—for Antone was gone, and there was nobody in the house or yard. The Lipan warriors came galloping up, one after another, each like a faithful sleuth-hound closely following the trail. Amidst all the clamors of questions, shouts, and oaths, with which his ears were assailed by the impatient Rangers, Castro continued perfectly impassive. He sat quietly in his saddle watching the arrival of his warriors. Each one, as he came in, would gallop up to the chief, and, with low, quick utterance and rapid gestures, seemed to be making his report—what it was none of us but Hays could understand. Perceiving that the stoical chieftain was not to be hurried, and that nothing conclusive could be got out of him until his Braves had all arrived, the Rangers became silent too, and following the eye of Castro, would watch each warrior as he appeared on the distant ridge, until he galloped up into the circle, made his report, and fell back among the crowd. The reason for this proceeding was, that Castro had scattered his warriors singly, for miles, around the place

where Agatone had disappeared, with orders to find his trail, and then report to him. The men were beginning to mutter and stamp with impatience when the last warrior appeared. When he fell back Hays said, looking at the chief—"Nothing done, Castro?" He bowed his head with an abashed, humbled look, and shaking it slowly, muttered, "No! no find! Him much medicine man! Him conjur!"

"D—n the Indians! Where's Bill Johnson!" shouted the Bravo.

"Yes, where's Bill? Where's Bill? he's worth 'em all!" said several at once.

Hays, who had been speaking in a low voice to Castro, now turned and said, "Bill is out there yet. He says we must surround Cavillo's Rancho—put some one to watch every trail leading into it—we'll catch him that way, my fellows! He'll be sneaking in to-night!"

"Davis can tell," said some one, in a loud voice.

"Yes, he knows all about it," said Fitz—"lets quirt him until he tells."

"Yes! yes!" said several; "that's got to be done, Captain. We'll finish with him first!" and all together they rushed toward the stiles to get at Davis, who lay in the yard.

"Don't spoil the edge of his nose, boys!" shouted the Bravo, laughingly. The high picket-fence had been between us and where Davis lay. I was following the crowd—a cold shudder creeping over me, as I thought of the horrid scene which must ensue; for I knew he was to die, and that with fearful tortures—when a confused roar of voices suddenly arose from those before, and a general headlong scramble followed—then came the shrill shriek of a woman's voice, and as I climbed the blocks of the picketing, I could hear, above the confused trampling and clamors, such exclamations as "Kill her!" "Pitch her into the river!" "She let him go!" "The Mexican slut!" "In with her!" "No, no! she's a woman!" &c. I reached the top—Davis had disappeared. One of the men was dragging a woman from her hiding-place in the

low thicket we have before mentioned as being in the back-yard of the Rancho, near the river bank; the rest of the party, with cries and oaths, were running to the man's assistance, and with furious imprecations laid hold of the woman, and in spite of her screams, were dragging her towards the water, when a man whom I recognized as the Lieutenant, sprang in among them to her rescue. In another instant the butt of a gun, laid, not lightly, across his forehead, felled him like an ox. Some one shouted, "There he is!" and two guns were fired as a figure dodged quickly behind a tree, on the top of the bluff bank on the other side of the river, and disappeared. In the momentary pause Hays threw himself among the infuriated crowd around the woman, and dragged her back as they were in the act of plunging her into the water with her hands tied. There was a fierce struggle. I had reached them by this time, and taking up the shout of Hays, "Shame! shame! she is a woman!" "You are men, no murder!" was striking, pushing, and tugging at his side, before I had time to think what it all meant. She was a woman, and they were going to drown her, was as much as I knew, or wished to know. Fitz and the Bravo came to our help. They let go the woman as the Bravo shouted, "They missed Davis! He's in the woods! Come, he'll get away!" and jumping into the water held his gun up with one hand, and struck with the other for the bluff. Several followed him, as all would have done, had not Hays—leaving the woman in my charge—set off down the river bank, calling to them to come with him to where the bank was less steep. In the breathless hurry of the preceding incidents I had only time to see and act, but now, having drawn my breath, I perceived in a moment what had occurred—for having been less excited than the rest, I had been behind and somewhat in the dark. The woman, who was shivering in an ague-fit of terror, I saw, was the Mexican wife of the Lieutenant. Antone had probably informed her what was going on. Prompted by her guilty passion, she had crept up by the back way into the yard of the Rancho, and while we were engaged with Castro had cut the thongs from the limbs of Davis, who ran and had jumped into the river. The two guns were fired at him as he disappeared in the woods on the other side. The foremost men had seen her stoop in the brush, and perceiving at

once that she had assisted Davis' escape, would have drowned her in their fury. Her husband who was held in great contempt, they had knocked down without ceremony when he attempted to rescue her. Feeling no particular sympathy for either of them, I merely cut loose her hands, told her to see to her husband, and then followed after Hays. I perceived at once that his had been the proper course, for the Bravo and his men were still struggling to climb the slippery steep bank when I lost sight of them. When I caught up with Hays, I found him and his men mounting behind Castro and his warriors, who had galloped around the picketing to the river. I mounted behind a greasy, half-naked fellow, and they pushed their horses into the stream. After a deal of scrambling and spluttering we reached the other bank, and stood upon the firm sod. Hays sprang to the ground, and called to us to dismount. It was arranged that Castro's warriors should gallop on in a body to cut off the fugitive's retreat to the Senora Cavillo's Rancho; while we in couples pushed our way into the thick woods. We supposed that the object of both Davis and Agatone would be to get to Cavillo's Rancho—once behind the strong gates of which they might well laugh us to scorn.

The Indians on horseback would overtake Davis if he made directly for the Rancho; if not, they were to spread out their line, and watch while we beat the bush. In this way we supposed we should hardly fail to recapture him, as he had but little start. Castro himself sent his warriors on, while he dismounted, and along with Hays went to where the fellow had been last seen, to take his track and follow it up; but as this would be slow work we went ahead, trusting to chance. Fitz and myself happened to be coupled in the pursuit. For a time, as we penetrated the dense underbrush, the different parties kept in view or at least in hearing of each other. Of course we pushed on as rapidly as the nature of the ground traversed would permit, and it was not long before all other sounds than those of our own scrambles through the vines and brush died away, and we were alone in the silence of the deep woods. I felt little interest in the chase these men were driving so eagerly. It made small difference to me whether the Mongrel escaped or not. I did not wish to find him, indeed, for I should probably

be compelled to shoot him in cold blood—a feat I had no stomach for. But there was *that* in this primitive Nature, wearing her century-calms upon her front, which could not fail to overcome me with a spell—to sink a nameless awe into my being—brooding in shadowy peace upon the tumultuous startle of excitement the passions had been subjected to during the late incidents. Nowhere does this invisible power make itself more palpably felt, than in the deep-tangled aisles of an old Southern Forest. When the sun is near setting, too, as it was then, and strikes its leveled rays square athwart the gloom, glorifying in lines and angles the stout rugged boles and gnarled arms overhead, leaving the severed shades sharply defined beneath and between the sheeted gold. High up, sitting in the halo, the roseate-headed Caracaras Eagle screams to its mate—the Black Squirrel sputters and barks, whisking its dusky brush, and saucily stamping on the Pecan-bark—the long whoo-ooze of the Bull-bat sighs hoarsely through the air—the Paroquet, with its shrill waspish chattering, in a glimmer of lit emeralds goes by—the far tocsin tolled from out the swamp-lake by the Wood-Ibis, or dropped smiting suddenly from the clouds, as the great Snowy Crane sails over—the low quavering wail of the dotted Ocelot—the hack, hack, and quick prolonged rattle of the Ivory-billed Woodpecker's hammer—the smothered shriek of the prowling Wild-Cat, impatient for the night—the chirr! chirr! of the active little Creeper—the cracked gong of the distant Bittern—these were the sights and sounds that gradually lulled and charmed me into utter abstraction—and of course into entire forgetfulness of the purpose and objects which had brought me in reach of their enchantment. My heedless pace had gradually slackened—for the mood of dreams was on me—and I sat down upon the trunk of a fallen tree. The unpleasant realities of the wild unnatural life I was leading had disappeared, and in delicious revelations the ideal life of calm and holy peace came around me, and in the flushed quiet of that lull, the beguiled Fancy danced with its own airy creatures to the merry click of the castanet a bright-eyed Wood-Chuck was sounding, as it sat familiarly on the other end of the log. Texas, battle, blood, Mexicans, Indians, Davis, all were as things that had been and were not, while my heart made music of its blissful

memories amidst these evening choristers!

Suddenly the blood rushed to the centre in a cold and shuddering revulsion, and I sprang to my feet as if a rifle-ball had struck me. Could it be real? The shrill yell of a human voice had suddenly burst upon the stillness, and been as suddenly smothered. There was a mortal agony in its tones! I looked around. Fitz had disappeared—there was no one in sight. I perceived for the first time that I was not far from the river bank. Again I heard that voice of death-like anguish—stifled into a low plaining—then bursting out again into louder and wilder shrieks of despairing terror. I had been entirely unmanned by the suddenness of the thing; but now the thought of some foul murder being done in the dark woods nerved me in an instant, and I bounded off in the direction of the sounds. I thought of Fitz—but I had heard no gun—it could not be he. Now it was a grating burst of harsh unnatural laughter, with the sound of struggling feet, that guided me as I ran—then all was silence. I burst my way through a chaparral thicket, and came out upon the old bank of the river—and my God! may my eyes never rest upon such another scene! A little below the level where I was standing, the body of a man (who I immediately recognized from the clothes to be Davis) writhing in the agonies of death, was suspended by the neck from the limb of a tree which leaned very far over the last bank of the river. It was moving slowly up, rising toward the limb, while the rope grated harshly over the bark, and as I stepped forward I saw beneath the hairy and haggard face of Black, lit with the wild glare of maniac ferocity. With set uncovered teeth and swollen muscles, he was leaning back, tugging with the furious energy of madness at the other end of the rope by which he was slowly hoisting his victim. My blood felt as if it were freezing with horror. My first impulse was to leap down the bank upon Black, and rescue the poor wretch, when a hand upon my arm and a voice arrested me.

"Well done! he has saved us the trouble!"

It was Fitz. I was inexpressibly relieved—for this terrible concatenation of murder and madness had almost shaken my reason too, and I felt the need of some one near me less deeply excited

than myself. Fitz took the matter with wonderful sang-froid.

"I wonder how he happened over this way," he continued. "Never heard of one man's hanging another alone before!—but they say madmen have the strength of seven men in them!"

"For God's sake," said I, "let's cut him down!—it is too dreadful!"

"Pshaw man! you're not case-hardened! It had to be done—he'd as well do it as any one else!"

The maniac had by this time drawn the body up to the limb, and bringing the end of the lariat several times around a small sapling, he secured it there. Then perceiving us for the first time, he broke into that infernal hideous laugh I had heard before, and pointing with his finger to the dangling corpse, commenced leaping and tossing his body to and fro in the strangest gyrations—gnashing his teeth—then laughing again, and shouting in broken sentences too incoherently for me to understand. Suddenly his mood seemed to change. Observing us steadily for a moment, as we stood silently above him, he glanced quickly up at the body and muttered—"They want it, Mary! Hush! hush honey! they shant!" and slowly crouching his body, his distended eyes fixed on us with that furtive burning light in them peculiar to a panther about to spring, he crept cautiously along the leaves on his hands and knees towards us, keeping the trunks of the trees interposed, as that animal would have done when attempting a surprise. Even Fitz was terrified by this strange manœuvre, and with the instinct of the backwoodsman in all circumstances of danger, cocked his rifle. The madman was dragging after him his battered but heavy gun-barrel; which from the traces of fresh blood I saw upon it, had no doubt been used first in disabling Davis, in the same way that it was now to be used upon one or both of us. For the moment I was utterly at a loss what to do, and found my hand involuntarily clutching at the triggers of my own gun, as I watched the cold, sly, concentrated ferocity with which this worse than wild beast was nearing us for the deadly bound. The thought of shooting was only a momentary thing—that would be worse than all the horrors! I whispered hurriedly to Fitz—"Don't shoot! club your gun for Heaven's sake—we can knock him down!" The words had

scarcely passed my lips before with a wild yell the creature sprang towards us with his gun-barrel swung high in the air. I was nearest to him, and remember a blow like the falling of a tree upon me, which crushed down the parry I had attempted with my rifle barrel; and as I was reeling in the fall, a dark figure bounding past me from behind, a fiercer yell, and the struggle of many feet—and darkness rushed over my senses. A Sombrero full of water dashed into my face brought me to myself. Castro, who had just administered this primitive but most effectual prescription for the cure of obliviousness, was standing over me, grinning with pleasure, though the blood was streaming down his forehead. Hays stood by him bareheaded and panting. Fitz was reclining on the leaves, looking very pale, and evidently badly hurt. The maniac, gnashing his teeth and howling fearfully, lay stretched upon his back, his limbs securely bound with a lariat. His face was wretchedly disfigured, from the severe blows it had been necessary to inflict before he could be subdued. Hays told me that he and Castro had been following the trail of Davis, and hearing the strange noises Black was making, had set off in the direction of them at a run, and had arrived just in time to see me fall, and fortunately to save Fitz, who had nobly forborne to shoot until it would have been too late, for he was staggering under the tremendous blows which the madman was dealing at him. I found that I was more stunned than seriously injured, and was on my feet very soon; the back of my head had been bleeding freely, but the hurt was not severe. It was now nearly dark, and Hays fired his rifle to bring assistance. We then examined the scene of the novel execution, a part of which I had witnessed. There were evidences of a desperate struggle, and on cutting down the body of Davis, we saw that he had received several blows of the gun-barrel, which had no doubt partially disabled him, before even the desperate strength of the madman could have been sufficient to run him up unassisted. We came to the conclusion that Black, who had shown symptoms of insanity for some time before, had been driven stark mad by the excitement of the affair with the Mexican robbers; and having in some way lost his horse during the search for Agatone had been wandering about since through the woods, until

chance brought him and Davis together; and that having heard Davis' name associated with Agatone's escape during Bill's narrative, he had offered him up to appease the ghosts of his murdered family. From all that had dropped from him, it was evident the imagination that they were pursuing him, clamoring for vengeance night and day that they might be permitted to go to their graves in peace, had deranged him. That Fitz and myself had suddenly appeared to his distempered fancy, enemies who came to rob his "Mary" of the victim he had sacrificed to her restless manes, was clear enough, when we remembered what he was muttering when he commenced so unexpectedly and viciously to creep upon us.

Castro's warriors now came galloping up. They reported to him the fresh trail of a horse ridden at full speed, leading into the Rancho from this direction. We were singularly puzzled to conjecture who this horseman could possibly be. It could hardly be one of Agatone's men, escaped from the fray of the morning, for we had taken all their horses. They had traced this rider back to within a few hundred yards of where we were; and from signs which Indians and all experienced trailers read with unerring precision, they were convinced that he had passed within two hours. Hearing Hays' gun, they had dismounted, and sent on three of their best trailers to keep the track while they came to us. While we were discussing this curious item of news with great interest and eagerness, a deep, prolonged whoop, from the direction opposite to that by which the Indians had approached, announced a new comer, and in another moment the tall figure of Bill Johnson was seen indistinctly through the faint twilight, parting the brush before his long strides. At his heels came the three Indian trailers. "Hurrah! here's the Old Otter-dog—he's got the news!" shouted Fitz, feebly. "How is it Bill?" "Who's that fellow on the horse?" "Got another brush to show, old boy?" "Come, fork over the news;" "Shell out, old coon!" &c., exclaimed one and another as he strode into our midst. Bringing the butt of his rifle carefully to the ground, he crossed his hands over the muzzle, leaned his chin upon them, and while his sharp black eyes twinkled rapidly over the scene, the rest of his face looked as if it had been cut in stone. The broad moon, which had been up some time, streamed in sufficient

light through the trees to enable him to see with tolerable distinctness.

"Whar's the Kern," he drawled out, and then, in the same breath, "Ye've been stringin' up that pole-cat thar, have yer?"

"Black did it," said Hays. At this moment Bill's eye fell upon the figure of Black, which lay writhing to and fro with low moanings on the ground. He started as if a snake had struck him, while his eyes flamed again. "Look here, fellers, Bill Johnson don't stand this!" and before any one could interpose, or explain, he had drawn a knife from his belt, and with one long stride stood over Black, and was rapidly severing the thongs which bound his limbs.

"Bill, for God's sake don't!—he's raving mad—he'll knock down right and left!" said Fitz rapidly, while the party scattered on all sides.

"Tarnation!" roared Bill, furiously, as he assisted the madman to his feet; "Yer white-livered younkens! aint these cow-hide strings 'nough to make a man like Jim Black rarein' tearin' mad? Tie a Hunter like some chicken-stealin' sneak in the States, will yer? just for hangin' a man, too! Pretty spot o' work! got any bull-neck Judges—got any weazen-faced lawyers out here to swindle a man's rights away, have yer? mad, is he? Try to serve Bill Johnson so if yer want to see somebody mad. Who done this! Knock down as many as you please, Jim Black—Bill Johnson's here, and old Sue."

I heard the clicking of rifle-cocks around me at this. Bill patted the madman heavily on the shoulder as he gave him this last exhortation to avenge the indignity which it seemed he hastily supposed had been put upon him. Black, who had been standing in a sort of stupor, was thoroughly roused by the friendly blow, and glaring his eyes in the face of his old comrade for a moment, with a loud guttural shriek sprang suddenly at his throat. Nobody interfered, and now the stern and powerful hunter exhibited his finest traits. His iron fingers tore away the frantic grasp of the madman from his throat—then closing with him he clasped him in the bear-hug of those long heavy arms. Black was a very strong man at any time, and inflamed as all his energies now were with the preternatural fires of maniac rage, it required the full exertion of all the huge strength for which Bill was remarkable to cope with him. We looked on with intense

interest, for everybody present, like myself, was uncertain and curious as to whether Bill's indignant and abrupt course had been the result of sheer simplicity—mistaking the sense of the expression "madness,"—of a sagacious intuition of the treatment proper in such a case, or confidence in his own resources. For a minute or so the figures of the two men were tossed to and fro in the uncertain light, linked and writhing in a stern, silent, and desperate struggle. It seemed to me that Bill's object was to quell and overbear the madman by the weight of physical superiority without hurting him. I shuddered, when, as they whirled by close to me, I perceived the cause of the ominous silence of the madman. His teeth were clenched in the shoulder of the Trapper, whose pale face as it gleamed past was rigid and calm as ever. A sudden change came over the aspect of the combat. The two figures were perfectly still for a moment—then that of Black gradually sank towards the ground. I stepped close to them and saw that Bill, by the tremendous power of his hug, had paralyzed him by pressure on the spine. With his back bending in; the grip of his teeth loosened as he sank upon his knees. At that moment, while Bill stooped over him, their eyes met. The two figures seemed at once to be frozen into a death-like pause, while their eyes were riveted upon each other. It seemed to me that those of Bill were emitting a keen and palpable flame that steadily searched the depths of the brain beneath him. There was something terrible and ghost-like in his white stony face, lit with that calm weird light, heightened by a broad fleck of the moon's rays that fell upon it through an opening in the trees. I could scarcely breathe with the excitement—half of awe—which fell upon me as I looked on this intense scene. The glare of animal ferocity rapidly faded from the fascinated gaze of the madman—the spasmodic contraction of his features subsided—his muscles were unstrung from their tension. Bill, yet gazing steadily into his eyes, gently shook off his grasp as he loosened his own hold, and then straitening himself, lifted him slowly up with him to his feet. Black's spell-led eyes still followed the face of his conqueror for an instant—he then drew the back of his rough and gore-encrusted hand quickly across them, and, bursting into tears, with a convulsive sob that seemed to be tearing up the very founda-

tions of his life, reeled to one side and fell heavily to the earth. Not a few long breaths were drawn by those around me—the majority of whom were as much terrified as astonished at this extraordinary *dénouement* of a most remarkable scene. All had observed the mastery Bill's eyes had exhibited over this, to them, mysterious distemper, and some regarded it as a supernatural display; particularly Castro and his Indians who looked upon the Trapper with expressions, ludicrously mingled, of awe, humility, and affright. Bill had ordered water to be brought from the river, of which Black, who had fallen from excessive weakness—the collapse of his long excitement—drank with inconceivable eagerness. He seemed so subdued, I hoped for a moment that the spell had passed from off his soul; but there was the same incoherence and wandering evident as soon as he was able to speak; and when any of us came very near him, the same disposition to injure us. Bill alone could control him—at a single glance from whose eye he became humble again. I should not have been particularly astonished at the simple fact that Bill's eyes, or the eyes of any other man of great firmness, should have exerted this absolute power over a madman—for that such a power had long been known to exist and been used by occasional individuals in the treatment and management of lunatics, I was perfectly aware—but what did surprise me was, that this uncultivated Trapper, who had probably never seen or heard of a medical book in his life, and as probably never saw a madman before, should have seemed so securely conscious of possessing this unusual power as to have trusted to it calmly through a scene of so much peril. How, and where could he have picked up this knowledge, was a question I determined in my own mind to have settled on the first opportunity. In the mean time arrangements were made to return to the Colonel's Rancho. The body of Davis was thrown into the river; Black was mounted upon the horse of a Lipan, the lariat of which Bill held as he led off the party on the return. Hays, Fitz, and several others of the Rangers who had joined us, were discussing and accounting for the late scene with great earnestness, in their own way, as we walked on, some vowing it was one thing, others another; but most inclined to regard it with superstition. Finding that no light was to be gained from them,

I determined to join Bill, who was moodily striding on alone, and try whether I could draw him into a communicative humor. It had occurred to me that the effect had been purely accidental. But this view I was almost disposed to discard on remembering Bill's steady and methodical management from the time he caught the madman's eye. I had observed a trait of superstition in his own character, and was not surprised when I found him very mysterious and difficult of approach on the subject. I soon perceived that he himself did not understand the origin of the power, and it was only after a great deal of cross-questioning and urging, that I could get a hint of the source from which he had originally received the suggestion. It appeared from what he let fall, that years ago in one of his trapping expeditions towards the head waters of the Platte, he had met with three men—two Americans and a half-breed Indian—whose sole occupation seemed to be that of catching mustangs. These, after being captured, the Half-breed would render perfectly tame in a few hours so much so that they would follow him about the Prairie, and come to him at his call. A wolf was captured and tamed in as short a time, and as effectually. The Half-breed had been very mysterious as to his mode of proceeding, and announced that he bewitched them—but added, also, that he *could*, for a "compensation" commensurate with the value of the important secret, impart it to others. Bill had collected a very valuable pack of beaver pelts, and so deeply had he been interested and impressed, that without any hesitation he had offered them in exchange for the secret. This, after some demur, the cunning Half-breed had agreed to—first binding Bill over to secrecy by the most fantastic rites and solemn oaths. Under these injunctions the secret had been communicated, and of course was beyond my reach. Bill said he had often tried the "spell," as he called it, upon the wildest and most ferocious animals with perfect success when he could get them "cornered" long enough for it to work. That he had been equally successful with men who had the "tremblers" (delirium tremens) upon them after a spree. I had often heard of these "wild horse tamers," as they are called, and felt great curiosity with regard to them. It added not a little to the interest I already felt in the character of my long-sided friend, the Trapper, to find that he be-

longed to this mysterious fraternity. Without having witnessed, as yet, any of their feats, I had, under a theory of my own, been disposed to classify them among the unexplained phenomena of Mesmerism; which last designation would, indeed, include all the apparent facts of the embryo science. Bill had never heard of mesmerism, though, and the suspicion that he had stumbled unawares upon the existence of a physical law, of the nature of which, he, in common with its more learned advocates, was profoundly ignorant, had crossed my mind more than once. It was interesting to have thus traced it back to a seeming connection, heretofore unsuspected, with influences producing inexplicable effects in two classes of well-known facts—the taming of madmen and wild beasts. I had afterwards the opportunity of examining this curious subject with greater minuteness, and satisfying myself more definitely as to the plausibility of my new theory.

We met the Colonel with the Bravo and his party near the Rancho, returning bootless from their search pushed in another direction.

The Colonel's sagacity had also discovered the trail of the strange horseman which had so much puzzled us, though the recollection of it had been for the time overcome by the late incidents. Without waiting to hear more of the details we had to give than the simple intelligence that Davis had been hung by Black—which he seemed to consider a matter-of-course incident—he insisted upon Bill's report about Agatone, and explanation, if he had any to give, of the tracks. Bill proceeded in his quaint vernacular to inform us that he had proceeded with Castro and the Indians to the place in Big Bend Bottom, where he had first seen the three men, of whom, the person supposed to be Agatone was riding behind one of the others—the Lieutenant, probably—whom he shot. That here he and Castro had taken their trail again and followed it with the most minute care, examining every tree near the *trunk* of which it passed, to see whether he had been pushed up into it to hide among the long moss. The Indians were spread out on every side to look for the traces of his footsteps, so that every square yard of the ground for some distance on both sides of the trail had been carefully examined up to the point where he, by cutting across, had intercepted the horsemen, and seen, to

his astonishment, that the man riding behind had disappeared. Here Castro had taken Davis' trail, which he followed in to the Rancho, as we have detailed. His Indians he had sent back to beat the woods in every direction again, with no better success than before.

"Arter the red-skins war gone," said Bill, "I squats upon er old log—for, boys, I tell you Bill Johnson war clean dumb-founded! This Agatone's gittin' away so cute tuck the shine out er anything I know'd. Thinks I, whar is the little weasel got to? He can't've flewed, sure enough. Then I thunk of that half-an'-half skunk an' wildcat Davis!—what could er brought him out here? He come fer sumphin, sure! I ups upon my pegs an made er bee-line for the place whar his trail come in to jine Agatone's. I tuck on it and follered it backwards er long time round-er-boutin' an' twistifyin' as if he war lookin' fer sumphin. It brung me at last, 'way 'round the Bottom to a chaparal, jest in the direction they were makin' for when Agatone sloped so surprisin'. What der ye think, boys! I found a place tramped whar a horse had been standin' hitched since daybreak, maybe, till jest er little before. If I'd er only been a leetle sooner, I'd er had him! I found his fresh tracks on the ground, an' whar the horse had dunged when he started. It war warm. Maybe I did'n't tare my wool and cuss a little! He war off—'twarnt worth while ter sweat. I tuck the back track of his little boots that war plain enough, and may I be calawampussed, boys, but he'd been hid in the moss up one er them live oaks I'd looked up inter twenty times ter-day."

"But how the duce did he get thar, Bill; you said you looked up all the trees?" said Fitz, breathlessly.

"Ah! that war the cuninnest trick that ever er yaller-belly war up ter yet. Them fellers war up ter trailin'—they know'd they had a trailer arter 'em too. I told yer we *did* look up all the trees whar the trail led close ter. Thar war a grape vine, the bigness er my wrist, hangin' down er little way frum er limb twenty feet out frum ther body of the tree. It war pretty high up, too; a man sittin' on er horse could'n't a reached it. The little monkey must er stood up on ther horse's back behind the feller I shot, and while ther horse war goin' at a gallop—for the tracks warn't broke, I look'd out sharp for that—he grab'd the grape vine

and swung off, then eased himself up on the limb and hid in the moss!"

"Hurrah! by jingo, that beats Davy Crockett!" "Good? Agatone will do!" "He's a keener!" were the exclamations which here interrupted Bill's narrative.

The Rangers were too much of woodsmen themselves not to appreciate and admire heartily so dexterous a game as this, though played by an enemy to their own discomfiture.

"Then he must have laid close up there, that you nor the Indians could see him, Bill?"

"Yes, thar war a heap er moss on ther tree—ye might er walked under a bar all day and not seed him!"

"He must have staid there all day, too, until the Indians came away, or they would have found his track?"

"The cunnin' little rascal laid low an' kept dark 'till they were all gone; then he come down and skooted for ther horse."

"Yes, the infernal old hag sent Davis out thar with a fresh horse for him, and the news that we were coming out to look for him, that's how it was," muttered the Colonel.

"But how," suggested I, "could she have got the news that his horse had been wounded by your shot that night?"

"He must have had some fellows with him, and left them outside the Rancho; one of them, you know, shot at me on the log. The others, I expect, were waiting for him out, and he sent one of them back to tell her that night. Davis was to leave the horse at the chaparal, but having the news about us, the traitor went to look for him in the Bend, and that's what made his trail so round-abouting, as Bill says!"

"That war ther way it come."

"But, Bill, you followed the trail of Agatone's horse up, didn't you?"

"For sartin I did! I went back ter the chaparal, tuck it, and war nosein' it up close when I hern the rifle Captain here fired. Then I cum'd jam agin Castro's three red-skins, who war follerin' it backwards."

"So he's housed, Colonel, you see, snug enough for to-night," said Hays.

"Yes," growled he, "snug enough if I don't burn him out before morning. He slipped in just before Davis got away, I expect, and that in the broad daylight too. He won't get out again so easy, or I'm mistaken."

"But where was Black all this time?" asked I of Bill as he was turning off.

"He tuck off through ther woods soon as we left yer at the ford; did'n't see him any more 'till I com'd whar these green younkens had been insultin' his arms with ther dirty strings!"

Nobody who heard the last speech of the Colonel's suspected him, even remotely, of joking in the threats he let fall. He had appeared so moodily absorbed since it had been made evident that his enemy was near him—almost within his reach—with only wooden walls interposed between them—that it was hard for those who knew him best to conjecture what his surly and desperate hate might *not* do before morning. That he was fiercely determined this night should settle the long account between Agatone and himself at whatever risk, soon became clear enough. He went aside with Bill and Hays and held a long consultation. We, in the mean time, despatched a hasty meal. They then came forward and joined us. After all were through, the Colonel picked up six-shooter and seemed to be examining it attentively, then raised his head suddenly as if a new thought had struck him.

"Boys," said he, grinning hideously, "What do you say to a whole-hog out-and-out frolic to-night?"

"I'm for it," said one.

"I'm thar!" said Texas. "What is it, Colonel?"

"Fellers, we must have Agatone any how!"

"In course—but how?"

"Well, we can stampe the sheep-pen—you know that's outside the gate; maybe they'll be fools enough to come out; we can make a rush at the gate then."

"She's too sharp for that, Colonel!"

With a rasping chuckle and vicious significant leer he merely said, as he turned off, "I smell something burning—maybe *she* will!"

"Ha! that's the game! She'll burn blue? won't she Colonel?" was said by some one as they all rose to get their weapons, without another syllable of comment, upon this monstrous proposition, being considered as called for by these matter-of-fact personages. The idea of setting fire to the houses of three or four hundred unoffending human beings, that the insane hate of three or four men might be gratified with the prospect of any amount of indiscriminate slaughter was

too infernally rich not to be reveled in by these chivalric pioneers of the blessings of civilization and free institutions! What were Mexican women and children born for but to afford them the amusement of seeing them roast. This cool diabolicism, though it could not fail, under any circumstances, to shock me, yet had at least the merit of novelty—it was anomalous in my experience of life, and, so far as curiosity went, attractive. Opposition I knew would avail nothing, and merely subject me to suspicion and personal danger; besides, the companionship of peril which I had voluntarily offered to share with them left me no choice but to see them through. My probable compunctions and whatever of humanity I had left on hand ought to have been looked to before I had placed myself in such relations. As it was, I made the most of a bad move, and endeavored to look forward to the anticipated "barbecue of Yellow Bellies" as some one jocosely called it, with as vividly pleasurable sensations as I could summon. The fact unquestionably was, that this Rancho had long been the greatest nuisance of this frontier. Pretending to be friendly to the Texans, the old Senora Cavillo had secretly aided and encouraged the worst of the border depredators, and the storm of vengeance for several years had been muttering upon her horizon. The Texans had been too few in this region for some time to attempt her destruction, and now that a number—possibly sufficient—had been brought together, and that under circumstances of so much immediate exasperation against her, there was no telling what might be the result of this night's work. I had, unconsciously perhaps, assimilated very much, in my feelings towards the Mexicans, with the tone of those around me, and that was characterized by the most deadly and unutterable scorn. The two races in this country have no sympathy in common but that of hatred—on the one side the malignant assassin hate of coward and conscious inferiority—on the other, the contemptuous exterminating hate of domineering brutality—secure in superior energies, and as destitute of magnanimity as it is grasping. This scorn is a very convenient sentiment, by the way, too often assumed by natures having in them generous susceptibilities, as the readiest mitigation, and higher name for any harsh outbreak of licentious passion upon inferiors. It is hard for warlike men to display chivalry

towards an ignoble foe—ordinarily courtesy calls forth courtesy, and so with its opposite. It is thus on this frontier, that where true bravery exists still, it has most frequently degenerated into a fierce relentlessness, while mere cut-throat ferocity is as frequently mistaken for the nobler virtue. There is little call for the higher traits of the civilized soldier, and they are as little known as valued. From the observation of such facts, I, as well, strongly incline to doubt, whether—with all the parade that has been so popular with regard to the prodigies of Texan valor—that population would prove equal to our “corn-stalk militia” upon an equal field against an equal foe. They may very well afford to fight Mexicans five to one—as the boast is—when not more than one in that five can fire his gun without shutting his eyes; besides, the yet more important fact is, that the social virtues of which the Texans have no over-plus to boast, are the truest and most certain incentives of heroism. The best soldiers are the best sons, and fathers, and citizens. They have desperadoes enough, such as these men were, who feared neither God nor man, it would seem; but desperadoes are not always the surest soldiers—they are ever liable to being panic-stricken when attacked on the blind side, or when called upon to meet danger in any unsuspected or unusual way. These are general observations which apply to a population in which too many of the extremes meet for anything very consistent to be looked for. The truth is, I was gradually becoming Texan myself, under the rapid process of “case-hardening” to which these men around me had been in turn subjected; and that the incrustation of habit was insensibly forming over the moral sense, I became occasionally aware at such times as this, when I found myself so readily sophisticating—so easily reconciled—though conditions absolutely horrifying in themselves were presented. This consciousness would make me extremely restless then, and even the recollection of it now makes me perhaps so sullenly uncharitable towards these men. The hate engendered through years of mutual wrongs had not yet in my case been kindled into a fierce devouring flame which made a hell at the heart and madness in the brain; yet this had been so with them, and with consequences such as I have described, and shall proceed to show, occurring *within a*

few days! judge what the *years* of such a life must have been!

Black, who might have been a serious and unmanageable incumbrance to a design requiring great secrecy, had fortunately fallen asleep, after devouring, like a famished wild beast, an enormous meal. We set off in silence for the Rancho, accompanied by Castro and his warriors on foot. They were sent ahead with orders to seize, without noise, any straggler they might find, to prevent the alarm being given. The moon was out very bright, but her rays penetrated feebly beneath the dense umbrage of the forest as we approached the log-bridge of which I have spoken. We had nearly reached this difficult passage, when a sudden commotion among the Indians announced that something had happened. There was a scattering crashing and scrambling through the thickets for a moment—a stifled cry—and they came out dragging among them a prisoner. Who should it be, trembling in a mortal panic, but Master Antone, whose unaccountable disappearance after the capture of Davis had since been frequently commented upon in no mincing terms. Indeed, every one suspected him of too warm a sympathy for the traitor, and friendship for the old Senora; and threats had been let fall which now, it appeared, were to be executed. I saw there would be little chance for him when Castro reported that he had heard him or some one else run from a thicket close to the Colonel's Rancho, when we came out, and suspecting he would make for the log, had intercepted him. This placed Sir Braggadocio under the unpleasant imputation of having added the character of spy to his many salient qualities. The proposition was made instantler to swing him up to the nearest limb. The Indians, first binding his mouth to keep him quiet, proceeded to halter him. I had seen enough of such murders for one day, and was unwilling to see this harmless wretch lose his life so unceremoniously; though I saw as well that the men were too fiercely roused to be entirely diverted from their purpose of vengeance. I proposed that we should throw him off the log into the river, tighten and secure the rope just sufficiently to keep his head above water, and leave him there to drown at his leisure—intending myself to come back and release him so soon as I could get away from the party. The novelty of this proposition won for it

success; and with low hearty chucklings of laughter, which could hardly be restrained from bursting into shouts, they dragged the miserable rascal to the log, and, after securely swathing his mouth, plumped him off into the water. Hays, who understood my motive, assisted me with great zeal in adjusting the rope. The rapidity of the stream soon brought him up on the surface of the water, at full length, below the log. There we left him stretched—his hands clenched desperately on the rope, to prevent it tightening to suffocation around his throat—playing to and fro, like a hooked trout on the current, the violence of which would now and then take him clear under suddenly, to bob up again as quickly—a rather funny, but not very dangerous predicament, so long as the strength of his arms lasted. The knave fully deserved the punishment, severe as it was, and we left him to the darkness and the infinite agonies of such suspense! All but Hays and myself expected him to drown of course, which would be inevitable so soon as his arms gave out; and the diabolical ingenuity of such a mode of torturing to death gained me great applause, and entirely reinstated me in the confidence of the Colonel, which had been greatly shaken by my officious *humanity* on a former occasion. I was now pronounced worthy of Texas!! When we were all over the log the Colonel proceeded to explain more fully the plan of operation determined upon, and having assigned each one his post, we commenced approaching the Rancho with the precaution necessary to insure against giving the alarm. The time for making active demonstrations was fixed for midnight; until then we were to occupy separately certain locations which brought every side of the Rancho under the eye of some one, so that Agatone might be foiled in any attempt to escape prematurely. We were then to draw up in two detachments near the great gate on each side, and wait the result of the intended manœuvre. The position assigned me was on the river bank, near some huts outside the picketing. I was rejoiced at this chance, for it gave me the opportunity I desired of creeping back and rescuing Antone. I waited until the men, who were cautiously moving off to their different posts, had all disappeared. I then slid lower down the bank, and was starting off noiselessly under its shadow, when a faint "whist!"

sounded near me, suspended my steps. As I turned, a figure, emerging from the loose sand in which it had been covered, sprang up, and showed me the cunning elfish face of the boy John. He came close to me, and peering up into my face with a saucy leer, he whispered, "Ha! ha! ye'r gwine to help him worry the old cat some to night—is ye?" The first thought which crossed my mind on seeing the boy—excited and anxious as I felt for the life of Antone, who might give out any minute—was not surprise that he should be in such a place and so concealed, but that he was the very person to be sent to save the poor fellow. His size and dexterity would enable him to reach the log much sooner than I could, without the fear of giving the alarm. So catching him by the arm, I drew him with me to a more shaded place, slipped a piece of money into his hand, and hastily explaining the circumstances, promised him more money if he would go and extricate Antone quickly as possible. He heard me through, and at my urgency bounded off rapidly, saying—"Never mind; I'll fix him for ye, boss!" It was not until the creature was out of sight, that I thought of the strange, vicious significance of the look with which that promise had been made. I had been too greatly flurried to think of or observe anything but the getting him off in time—for Antone had now been in the water half an hour, and there was no moment to be lost. I now instantly associated that peculiar look with a fact I had heard the Texan laughing about—namely, that while we were gone to Bexar after the Rangers, Antone had accused John to the Colonel of stealing from his pork barrel—which, it will be remembered, was the truth—and that this, together with other causes of exasperation, had gained for John a most brutally severe beating at the hands of the Colonel; recollecting, too, the boy's reputation for malignancy, it at once flashed upon me that he intended to make this the opportunity of a vengeance, the extent of which it would be hard to conjecture. I set off on the moment at my best speed, to counteract, if possible, what might be the consequences of my inconsiderate haste. My progress was slow enough—for to prevent discovery it was necessary to creep close under the bank next to the water's edge—and my hurry and impatience did not improve the rapidity of my progress. Now slipping

down the crumbling bank into the water—then wading through the slush and mire until I could drag myself out by a bush, I succeeded at last in reaching a point near the log, where I could safely ascend among the trees on to firm ground. I paused a minute to listen, and could distinguish the sound of heavy splashing and struggles in the water, and a subdued guttural noise like smothered laughter, and now and then a plunge as of some object falling. I stepped noiselessly forward to where I could command a view of the log. The figure of the boy lay crouched on the middle of the bridge; observing him a moment, I saw that he was holding on with his feet and one hand, while with the other he was thrusting a long pole violently down at the hands and head of the wretched Antone, evidently with the hope of breaking his despairing grasp of the rope, or thrusting his head beneath the water. He accompanied every blow with a hissing laugh and some such exclamations as—"It's me! It's John!—he! he! I telled ye so—said I'd fix you—cussed Yaller Belly! he! he! Let go will ye, honey! Tell old Red-Head on John agin? I'll spile them blinkers for ye! yah! yah! ha! ha!"—and the little fiend eased himself up on the log to indulge a heartier burst of merriment at his success in having struck one of the eyes of the victim, al-

ready almost bursting from their sockets, as they were upturned in the spasm of a mute imploring agony. I had in the mean time been approaching him unobserved, and at this moment stood over him, and saw that the pain caused by this last savage expedient had compelled him to quit his hold upon the rope, and in an instant it had tightened upon his throat. Enraged beyond all restraint at the ferocious and unparalleled deviltry of the young murderer, I, without any warning or consideration, struck him a violent blow which knocked him off the log, and the swift stream instantly swept him out of sight. I then laid my gun on the log, and cutting loose the rope, with the end in my hand sprang off into the water. I was a good swimmer, and seizing the body of Antone made for the bank. The force of the current swept me down a long distance, and, encumbered as I was, I should hardly have succeeded in reaching the shore with my burden, but that the favorable accident of my being swept in reach of the twigs of a tree which leaned far over the current, allowed me to drag myself and it out with great difficulty. Loosening the rope, and tearing open his shirt, I found to my relief that the heart still fluttered faintly—and when I tore the bandage from his mouth the water poured forth copiously.

WORDSWORTH.

BY WILLIAM WALLACE.

—
 "—————The mind
 Where Faith so deep a root could find,
 Faith, which both love and life could save,
 And keep the first, in age still fond,
 Thus blossoming this side the grave
 In steadfast trust of fruit beyond."
Vigil of Faith.

—
 "He can still drink in
 The unshadowed splendors of the universe,
 And fill glen, wood and mountain with the bright
 And glorious visions poured from the deep home
 Of an immortal mind."
Boyhood Recollections.

—
 SUNSET is on the dial: and I know
 My hands are feeble and my head is white
 With many snows, and in my dim old eyes
 Light plays the miser with a frugal care,
 And soon the curtain drops: But still I know,

The Soul in sceptred majesty of will
Leaves not the royal dais.

The ancient Winds

Still chant around me all the solemn themes
I learned when young; and in the hollow flower
I hear the murmur left there by the bee;
And jubilant Rivers laugh and clap their hands
Amid the leaning Hills that nurse them there;
And far away I see the Eagles float
Along the gray tops of the billowy Woods
Like ships that go triumphing on the waves:
And over all the Sun towers steadily
Beside his flaming altar, and beholds,
As he beheld through many centuries gone,
The holocausts of light roll up to God;
And when the Evening walks the western land,
I know that Mazzaroth will sit and sing
Within his azure house; and I shall hear
Around the pathways of the dim Abyss
The deep low thunder of those spheréd wheels
Which He, the Ancient One of Days, in right
Of soveran godship strode, some ages back:
And still the play, a venerable play—
World wide—of this humanity goes on,
Still dark the plot, the issues unperceived.
So, with all things thus filling every sense,
The Soul, in sceptred majesty of will,
Sits on her royal dais, and wears her crown.
Then why should I—whose thoughts were shaken down
On all the Isles and blossomed for their sons—
My office yield, and let the general Hymn
Unheeded harmonize the jangling space?
By action only doth Creation hold
Her charter—and, that gone, the worlds are dead.
'Tis not in souls which would the Noblest find,
To rest contentedly upon old wreaths;
For voices shout from all the moving Stars
That trouble idle Space—"ON! ON! STILL ON!"—
And all the Deepes, whose slumberous eyes were smit
By busy Godhead into blazing suns,
Join in the choral summons—"ON! STILL ON!"
I will not rest and unmelodious die;
But with my full wreath on these thin, white hairs,
And rhythmic lips, and vision kindling up,
March through the Silent Halls, and bravely pass
Right on into the Land that lies beyond.
There they my Brother-Bards—this * with a soul
As large as peopled worlds which it would bless;
And that,† a wond'rous Dream whose lustrous wings
Winnowed the dull Earth's sea of sleep to life
And sun-bright motion—those majestic Bards
Who went before, quiring their holy hymns,
Watch for my coming on the misty hills.

II.

But what the burden of that latest song
Will be, as yet I know not—nor the rhythm

* Southey and † Coleridge.

That shall go beating with her silver feet
 The sounding aisles of thought: But this I hope,
 A listening world will hear that latest song,
 And seat it near the fireside of its heart
 Forevermore, and by the embers' light
 Look fondly on its face as men of old
 Looked on the faces of the angel guests
 Who tarried sometimes in their pastoral homes:
 For this last hymn shall wear a holiest smile,
 Befitting well the time and circumstance.

III.

Most haply I shall sing some simple words,
 Rich with the wealth Experience gives to Time—
 An antique tale of beauty and of tears:
 Or I may wander in my thought afar
 Where men have built their homes in forests vast,
 And see the Atlantic rest his weary feet
 And lift his large blue eyes on other stars;
 Or hear the Sire of many Waters * hoarse
 With counting centuries, and rolling on
 Through the eternal night of silent woods,
 Whose huge trunks sentinel a thousand leagues,
 His deep libation to the waiting seas:
 Then would I join the choral preludes swelling
 Between the wondrous acts of that great play
 Which Time is prompting in another sphere:
 Or I may wander in my thought afar
 'Mid ruins gray of columns overthrown—
 When populous Towns went rocking to and fro
 Wildly upon the troubled Earth's unrest,
 Like great armadas on the roused seas—
 And lift up then a song of solemn march
 Amid the glorious temples crumbling there—
 The beautiful records of a world which was,
 Majestic types of what a world must be:
 Or I may turn to themes that have no touch
 Of sorrow in them, piloted by joy—
 And lift the burial stone from shrouded years,
 And hear the laugh of youth clear ringing out,
 Or feel again a sweet religious awe,
 Such as I felt when floated holy chimes
 In boyhood's ear, and such as stern men feel
 When passing by cathedral doors they hear
 A dim-remembered psalm roll softly out
 And fill their eyes with tears, they know not why:
 Then I shall sing of children blooming o'er
 The desolate wide heath of Life, like flowers
 Which daring men had stolen from Paradise,
 When near its gate the wearied Cherub slept
 And dreamed of Heaven.—Or to some pastoral vale
 Shall pass my trembling feet. There shall I lift
 To Nature, loved in all her many moods,
 A chant sublimely earnest I shall tell
 To all the tribes with what a stately step
 She walks the silent Wilderness of Air,
 Which always puts its starry foliage on
 At her serene approach, or in her lap

* The Mississippi.

Scatters its harvest-wealth of golden suns :
 And many a Brook shall murmur in my verse ;
 And many an Ocean join his cloudy bass ;
 And many a Volcan shake his flaming mane ;
 And many a Mountain tower aloft, whereon
 The black Storm crouches, with his deep, red eyes
 Glaring upon the valleys stretched below :
 And many a green Wood rock the small bright birds
 To musical sleep beneath the large full moon ;
 And many a Cloud in crumbling prison hold
 The Rainbow peering through the frequent rents,
 Impatiently, and longing to come out
 On faithless lands, a Memory of God :
 And many a Star shall lift on high her cup
 Of luminous cold chrysolite—set in gold
 Chased subtly over by Angelic art—
 To catch the odorous dews which Seraphs drink
 In their wide wanderings: and many a Sun
 Shall press the pale lips of their timorous Morns
 Couched in the bridal East: and over all
 Will brood the visible presence of the ONE
 To whom my life has been a solemn chant,
 Because he is and was a mighty God,
 A King above all Gods. Within his hand
 He holdeth the deep places of the Earth,
 And also his the strength of all the hills.
 Of old he heard his stricken minstrel's voice ;
 Then shook the Earth and all the hills were moved.
 A smoke went from his nostrils, and a fire
 Went from his mouth, a great fire which devoured.
 He also bowed the Heavens and came down ;
 And pillared darkness lay beneath his feet :
 He rode upon a Cherub and did fly ;
 He flew upon the white wings of the wind :
 The darkness made his secret place ; his tent
 Around him was dark waters and thick clouds :
 He thundered also in the Heavens above ;
 The Highest gave his voice in hail and fire :
 The ancient channels of the seas were seen ;
 And the foundations of the world were shown
 At thy rebuke, O God ! From all his foes
 Thy Bard was drawn, and lifted from the waves.*

IV.

Then let the sunset fall and flush Life's Dial !
 No matter how the years may smite my frame,
 And cast a piteous blank upon my eyes
 That seek in vain the old, accustomed stars
 Which skies hold over blue Winandermere,
 Be sure that I a-crowned Bard will sing
 Until within the murmuring barque of verse
 My Spirit bears majestically away,
 Charming to golden hues the gulf of death—
 Well knowing that upon my honored grave,
 Beside the widowed lakes that wail for me,
 Haply the dust of four great worlds will fall
 And mingle—thither brought by Pilgrims' feet.

* The reader will perceive that the passage from "*of old*" to "*waves*," is nearly word for word from two of the sublimely simple psalms of "The Monarch Minstrel." Excepting the last line and a half, (a condensation of several verses,) the author found it necessary to introduce but five or six words of his own, for the sake of euphony.

PHRENOLOGY :

A SOCRATIC DIALOGUE.

Persons of the Dialogue:—SOCRATES. PHIDIAS.†*

Place.—The workshop of Phidias, the Statuary, in Athens.

PHIDIAS. You are come in happy time, Socrates. I am perplexed in a choice. Pericles, who will have all things executed in the best manner, commands me to make a statue of Hercules, representing the felicity of that hero after his reception among the Gods. Decide, then, which of these models should be preferred. (*He draws a curtain, discovering a number of models in clay.*)

SOCRATES. All of these seem to me admirable; but especially one nearest, which shows him receiving the nectar from Hebe. I entirely prefer this one.

PHID. But the head is disproportionately small. It was taken from another figure of the same God, and placed here by way of trial.

SOC. You made a rash choice of me for an adviser; but I have a reason for preferring this model.

PHID. You are skillful enough, I know, at giving reasons; and now, all your skill will be required. Say, then, why should this model be preferred?

SOC. Answer me first. Is *strength* a property of the spirit, or of the body?

PHID. Of the body; but there is a strength, also, of the spirit.

SOC. Is there a size, then, of the spirit? Can we say of any man that his spirit is greater or smaller, like his body?

PHID. We often say so; but with what propriety I cannot imagine.

SOC. If, then, there is a *strength* and a *size* of the spirit, why should there not be a *weight*, nay, a *figure* and *substance* of the same, and a *smell* and *sound* of it, as of other things? For, if a thing has strength, we are able to feel it with the hands; and if it has form, we may see it with the eyes; and if sound, we hear it; and if smell, we otherwise perceive it. But is all this true of the soul, or of the spirit?

PHID. There seems, indeed, to be no reason why the soul should have

one of these qualities and not another. But I am inclined to believe that neither soul nor spirit have any such properties.

SOC. Is there, then, a proper "Strength of Soul;" or do we speak mysteriously in so saying, using the name of a mortal quality for a something altogether unimaginable, and above the reach of expression?

PHID. It seems to me that we do so.

SOC. And yet, it were impious to deny, that the spirit is a Being full of power and strength—that it is even the source of these.

PHID. So it seems. But there is a strength in dead matter which causes the motion and the weight of things; is this also spiritual?

SOC. Can we refuse to believe, O Phidias, that this "*strength* of dead matter," which causes all things to move about, and toward, each other, is indeed spiritual, though different in its nature from the spirituality of man, or the soul of animals; discovering itself by certain necessary laws, immutable, and therefore divine? For the spirit of man is apparent in his reason only; causing him to live by a law of justice, superior to passion and desire. But the *soul* of the beast, which also is in man, discovers itself in passions and in desires. It is disobedient to justice, and causes all manner of iniquity. These, then, operate according to certain *laws*. But the *Law* of the spirit is superior to that of the animal, and controls it; and both of these are superior to that "*strength*" which appears in dead matter. Do I seem to speak rationally?

PHID. Mystically you speak; but whether rationally or not, I am unable to decide.

SOC. We agreed, O Phidias, that it is impossible to speak otherwise than mystically, and symbolically, concerning the spirit of man.

* Socrates, the wisest of the Greeks; born 469, B. C.

† Phidias, the Statuary employed by the Athenians as the sculptor and architect of their temples; born 488, B. C.

PHID. Because it is not an object of sense.

Soc. Yes; but if we could, by any sense, perceive, touch, or smell it, then it would no longer be necessary to speak poetically, in symbols. But now, echoing the poets, we say of the spirit, that it is great and fair, or little and black—using such words as are applied to things visible. It is easy to represent the incomprehensible by symbols; but to *know* the significance of these symbols is not easy. Do you think otherwise?

PHID. No, Socrates; I have always believed that it was easier to put a mark upon a thing, or to speak of it by a similitude, than to comprehend it.

Soc. It appears that every man is, himself, a symbol, or mark of ignorance, to another; seeing that his life and actions discover the existence of an intangible principle or energy. But the aim of wisdom is to gain a true knowledge of this energy, and to substitute that knowledge for what is merely symbolic and superficial. If any person is able to substitute a true for a symbolical knowledge, I think them the wiser. To recur now to the model. Of the kinds of energy, whether material, animal, or spiritual, which of all should be seen in a Hercules?

PHID. Because he is a God, the spiritual should predominate.

Soc. But, of the spiritual energies, should this deity be endowed with the regal, heroical, or devotional kind?

PHID. With the heroical, as I think.

Soc. If there is such a being, O Phidias, as the God Hercules, it would be impious to deny that he is endowed with an energy superior to that of animals; for the energy of an animal is in passion, or in prudence and intelligence. But of the regal energy, we ascribe it to kings and legislators, and to Zeus, the king of Gods; and the heroical energy is attributed to such mortals as have acted of their own will for the sake of glory. But this hero, or deity, did nothing of his own will, and was obedient to a pusillanimous master, because Zeus had so commanded. Does it seem, then, to you, that he should rather be endowed with the devotional energy, as one who accomplished miracles through obedience?

PHID. It seems fit that he should be so endowed.

Soc. If he is truly represented, it will then be as one who has no other but this kind of power; and to carve his statue

with the body and countenance of a king, or of a conqueror, would be injudicious.

PHID. By what marks shall an energy be made to appear?

Soc. Are they not already apparent in the model?

PHID. It may be so; for the head was taken from that of a captive who is singularly amiable and obedient. His master maintains him as a wrestler, and he executes promptly whatever is enjoined; though, at first sight, you would pronounce him to be a hero full of dangerous energy; for he surpasses all others in strength and beauty of person.

Soc. But was the head of this wrestler disproportionately small?

PHID. It was; but not as much so as in the model.

Soc. My opinion is, therefore, accordant with nature. If you are willing, I will relate the words of Anaxagoras in regard to this, and other particulars proper to be known by statuaries.

PHID. I shall have a perfect satisfaction in hearing the opinions of a sage who could be the instructor of Pericles.

Soc. When I was a mere youth, my father taught me to assist him in modelling statues, for that was his occupation. We lived then in Alopere, not far from Athens, in a garden-house by the roadside. It happened that I had placed a block of Egyptian marble in the shade of a sycamore which overhung the road, and was then hewing it to the figure of Hercules. Having gone into the house a moment, on returning, I found Anaxagoras seated in the shade as if to rest. It was usual with him to walk alone in the villages and open fields, for the sake of meditation; and I had often met him in by-roads and remote places. Being in doubt, as you are, regarding the model, I inquired of Anaxagoras regarding it. He asked me whether I would represent the God of strength? I assented, and he then inquired whether this strength or energy, as he chose to name it, should be of the mortal, or of the immortal, kind; and, when I was perplexed for an answer, he taught me these differences, to which you have but now assented.

PHID. It is usual with you to disavow your opinions, and repeat them as if gathered from a good genius, or from a sage.

Soc. I do this, believing that wisdom is the property of all the wise. Each

adds a little, and transmits it to the next, like a sacred patrimony.

PHID. Let me be a sharer ; and if Anaxagoras committed anything to you, intrust it also to me.

Soc. He reasoned thus. If energy of body, or of passion, or of intelligence, is common to man and animals, it were impious to ascribe it to a God. A God cannot be imagined as in a fit of rage, or as burdened with desires, or as thinking, or composing poems ; for these imply a kind of imperfection, and a narrowness of faculty proper to the mortal nature. But if there is an energy in man, which is unlimited and perfect in its nature, ruling over all his acts, and harmonizing his affections ; in one word, if there is anything *divine* in man, it will be no impiety to ascribe the same to a God.

PHID. It seems to me, O Socrates, an attempt full of danger and impiety, if a mortal reasons on the nature of deity.

Soc. To those, O son of a just father, who see in man, as in the Gods, an image of the Supreme, it is permitted to reason from the divinity within man to the divinity above man.

PHID. Do you imagine, or believe, that the ancients took this way of inquiry ? By Hercules, there is none so bold !

Soc. But there are many bold enough to think, that they have a perfect idea of divinity, and wish to seem not ignorant even of Him whose name, if he could be named, it were unlawful to utter.

PHID. We received this knowledge from our ancestors ; and they, in remote ages, from the Gods.

Soc. This, then, is a part also of the patrimony of wisdom, to receive and possess within ourselves ideas of the divine natures.

PHID. But is it not surprising, that any man should dare represent a deity : as though divine natures could appear in marble or stone ?

Soc. Can they appear in flesh ?

PHID. None will dare deny it.

Soc. But if they appeared in human form, would it not have been lawful to make a statue or image of them ?

PHID. Not only lawful, but meritorious, and an act of piety.

Soc. But would it be lawful to worship the visible form of a deity, if he should see fit to make himself visible ?

PHID. It would be both lawful and necessary.

Soc. But if a God, even the greatest,

should enter the form of a man, and inspire him ; would not men easily discover this by his countenance, and a certain dignity of manner ?

PHID. They could not fail.

Soc. If we, then, should worship that visible appearance, it would not be unlawful. But if I am able to discern the deity in a man, it must be by a visible sign or mark, such as must signify the presence of a divine influence. (I now repeat the words of Anaxagoras) : If any man is so fortunate as to know such marks, and is able to shape them out of marble or ivory, can he be justly declared impious ?

PHID. No, truly. But how shall these marks be known ?

Soc. When we think of the Gods, we think of them as devoid of all weakness and vice, but full of infinite energy ; and we know that this energy is the ruling principle, and is of an eternal nature, without form or name. By some it is called reason, by others *vous* or intellect ; but by most, the spirit of man. Anaxagoras, therefore, reasoned in this manner : that, if the image of a God is but the exalted image (or idea) of this principle ; to represent men with the marks of it in their gestures and countenances would be to represent them as Gods. Does it seem so to you, or does it not ?

PHID. I am not able to deny it.

Soc. Is it lawful, then, to worship the statues of the Gods, since they cannot be distinguished from those of inspired men ?

PHID. A question hard to be answered. But proceed.

Soc. First answer my question. Is it lawful to worship the image of a God, seeing that it is equally the image of a man ?

PHID. It is first necessary to know what we mean by worship.

Soc. Is not all worship an acknowledgment of superiority ?

PHID. Yes ; and it is also an acknowledgment of goodness in the being who is superior.

Soc. It appears impossible, therefore, to worship a statue, since it is neither superior, nor capable of good. If any person, seeing the marks of divinity in a statue, is thereby reminded of a God, he may offer worship to the God ; but if the Gods are exalted images of men, they are not in kind superior to men—and to worship them because of their superiority in degree only, would be no more lawful than to worship a hero or a king.

PHID. There is, then, no essential difference between the worship of a God, and that of a hero or superior man; and the Deities themselves are only images of this energy which inspires men with reason.

SOC. Thus, then, Anaxagoras reasoned; and now I will repeat his own words: "With you, Socrates, it is easy to converse, because you are willing to confess your ignorance, though you esteem knowledge above all things. You would have me give an opinion of this work of yours, whether it is well or ill designed. And you wish me to converse with you upon the nature of the Gods, as I have done with others—but not always in a manner to gain the reputation of piety. First, then, for the work. If anything can be said with certainty of this Deity, it is that he cannot be otherwise represented, than by a combination of all the marks of power and obedience; for he bears the attributes of obedience in union with those of power. But his obedience is that of a man, and not that of a slave; and if he endured the tyranny of a mortal, it was in obedience to the commands of a God. It will be proper, therefore, to give him an air of cheerful acquiescence and lively courage—as of a servant ready to obey a just command. Because of his immense and unremitted toil, the muscular envelop of his body will have a disproportionate vastness, seeming to bury and obscure the bones and viscera, and giving to the head and extremities an effect of littleness, as though they were unnaturally small. Since the form of the body expresses the temper and habit of the person, this Deity cannot be represented with the angular frame and face of Vulcan, nor with the smooth elegance of Hermes; but like the pancratists, who perform every exercise, his body will discover equal flexibility and power, every muscle appearing ready for its proper service, but all vast, round, and well pronounced." Such, O Phidias, were the words of Anaxagoras, regarding the mode of representing Hercules.

PHID. Did he say in what manner the marks of divinity may be distinguished?

SOC. As I remember he spoke thus: "To you, Socrates, these particulars seem proper to be observed; but if I say that the divinity should appear, not only in the face, but in every feature of the body, do I seem to have said anything absurd?" Not absurd, I answered, but impossible to be observed: for to me it

seems impossible to know the marks of divinity, even in the features; and if any statuary has expressed them, it was by accident, or by a close imitation of some prophet, or sage, at the moment of his inspiration. "To me, on the contrary," said Anaxagoras, "the art of the statuary seems as certain as that of the poet or rhetorician; and like theirs, to be rational, and subject to rules. The arts of speech intend always an expression of some thought, or passion; and the same passion is expressed always in the same manner. The composer of fictions, by discovering in one character a variety of passions and emotions, following the swift order of events, shows us the existence of a superior power, presiding over and controlling them. The *form* of this power or principle, (which is divinity in the soul,) is made apparent by the manner in which it rules over and controls the inferior energies. He then is the true poet, who is able, by a fictitious or real history, to discover by its proper effects a certain form of the superior principle, showing by the choice and order of description its effects upon the heart and mind. But the *forms* of this principle are the forms of the Gods, and the marks by which we know them. In Zeus we discover *authority*; in Juno *regal pride*; in Minerva *prudence*; and in Hercules *obedience*. In every divine or heroic character some one form appears of this energy. But if the maker of fictions and mysteries can show the presence of any form of the rational principle, it must be through a knowledge of it in his own mind."

Tell me then, I exclaimed, whether a knowledge of this ethical reason is not equally necessary to the statuary, if he would truly represent the Gods and heroes? "How," he answered, "can it be otherwise? Is it not apparent, that whoever would represent a thing must have an idea of it; and that this idea cannot be a something hastily acquired and faintly known, but must live as an active power presiding over the mind and hand, shaping every line and poising every stroke?—or do I speak extravagantly?" Not extravagantly, I replied, but you speak impossibilities. "And yet," rejoined he, "it is necessary to have an idea of perfection, if we mean to approach to it in action; for it is impossible otherwise to forgive or be forgiven. The works of a good man, though imperfect, discover his idea of what is best.

Why not say the same of statues and paintings, that though the best of them are gross performances, compared with what they signify, or symbolize, they strike us with delight when they intimate a certain dignity of idea in the workman." To me, I answered, it seems necessary that no one can truly *express* a quality of the soul, unless he is in some degree endowed with that quality. But if an artist will content himself with a careful imitation of nature, selecting models which have the marks of virtue, may he not accomplish much without aiming to know the thing he represents? "If the art of a statuary," he replied, "intended only to produce images of living men, with all their imperfections, it might happen that the images of a few, taken at favorable moments, might discover traces of divinity. But it is required of an artist that he be able, not only to imitate what is set before him, but to make images of the vices and virtues: as of pride, courage, magnanimity, justice; distinguishing these, not by arbitrary symbols, as the barbarians use, but by the marks which discover them in nature; as, magnanimity, by a certain mixture of severity and openness; pride, by a lofty and swelling manner; goodness, by a benign and amiable expression, and the like. If he is able to do this, he may represent whatever he imagines; but he cannot represent pride, without a model or image of pride in his mind. If this image is that of an individual, as, for example, Pericles, (who has a certain pride,) he will continually model images of Pericles; but if this image is conceived through an experience in his own person, he will be able to compose a statue of pride by its natural marks: just as the poet and the actor, through the same knowledge, are able to impersonate it in the character of a king or hero. But an actor who should imitate the gait of Pericles, or a poet who should repeat his sayings, would be entitled to no more of our admiration, than an artist who copies a limb with all its blemishes." It seems then, I answered, that a statuary cannot represent a character without some knowledge of the natural marks by which it is distinguished from other forms of reason. But is it necessary to be a hero that we may represent one, or to be just that we may represent justice?

PHID. A hard condition, O Socrates, you would have laid upon us!

Soc. See, then, whether he relieved

you from it. "If the knowledge of a thing by its marks," continued the sage, "is indeed the thing itself, what you have supposed would follow. But no man confounds the knowledge or idea of pride with the being proud; or the idea of what is proper to anger with the being easily angered. Let us admit, then, that a certain degree only of a quality is necessary to a knowledge of it; but that extreme pride or irascibility is not necessary to a true idea of these qualities." I am willing, I answered, to admit this.

"To me, then," he continued, "it seems evident, that a poet, or a statuary, or an actor, must possess in some degree the virtue and the fault which he impersonates, and that the more admirable his own virtue, the more profound will be the sources of his knowledge; but that this knowledge is the fruit of a peculiar energy, or power in reason, able to rule over, and represent the *passions*, and able also, to conceive and personify images of the *virtues*, but not able to rule over or command them." To you, therefore, answered I, it seems, that the justice and the magnanimity of the artist, enable him to see the marks of these qualities in others; and that a small degree of virtue in me makes me sensible to a much greater degree in another, through this genius, or power of conceiving virtue in the intellect? To this he assented. Is there then, I asked, a power in the human spirit which is proper to it, and which all men in some degree possess—a power by which they are enabled to perceive in others the marks of reason, and so perceiving, to venerate it; and is there also a power or genius, of representation, which enables them to form ideas, and impersonate what they revere? Then he assented. But is not this the power, I continued, which enables the orator to express the grandeur of his own soul, as the poet does, feigning the greatness of another? Again he assented. Say, then, continued I, whether he who has no grandeur of soul can express the marks of grandeur in marble, or in words; or whether by the genius of representation, he can depict anything greater than himself? For but now you asserted that to know the signs of justice in another, it is necessary that we should ourselves be inclined to justice; and if this is true at all, it is so altogether; and they will best discern virtue in others who have most of it in themselves. How, then, can I represent virtue as Homer

has done, unless I have the virtue of Homer? But if I have it not, though I revere, can I represent it? Then Anaxagoras, after meditating a while, made answer as follows. "You have arrived, O Socrates, at a wonderful result in regard to artists and poets, and, indeed, to all men, having discovered the nature of this genius which represents virtue as known, or venerates it as unknown. Whatever virtue is in ourselves we may represent, provided the Creator has endowed us with the genius or energy; and if the poet or the statuary is by nature a hero or a king, he will represent kings and heroes, by their real marks; but if he personates what is superior to himself, as a God or a divine man, he fails in the representation, and is compelled to invent artificial symbols, to express the power, or the degrees of power, which he ignorantly reveres. Is not this, then, O my friend, the reason of that ancient amity between poets and heroes, that they are alike sons of glory, and full of greatness; but to poets the creative, and to heroes the military genius, is accorded." But for that third kind, I replied, who revere though they cannot comprehend—what shall be said of them? "That they too," he answered, "are the children of the Supreme, and his peculiar servants. Like Hercules, they cheerfully obey and execute, and are always employed in good works: nor is their glory less, but rather greater; and all men love them."

PHID. Mysteriously, indeed, he talked with you! I have heard that he was an atheist, and believed in no God but matter.

Soc. As if I, beholding Phidias, should believe only in his skin. Anaxagoras denied that ideas should be mistaken for the beings which they symbolize; and affirmed that no man may comprehend a being superior to his own.

PHID. But if we cannot comprehend, how can we worship?

Soc. By acknowledging this very inability. We just now agreed that worship is not knowledge, but a confession of inferiority.

PHID. In kind, or in degree?

Soc. In kind, as I think. For if I worship what is only superior in degree to myself, I might fall upon my knees to every man who appeared wiser or stronger than I.

PHID. But what said Anaxagoras in regard to the marks by which greatness may be represented?

Soc. Thus, then, he continued: "Since there are two modes of representation—namely, by a symbol, which is mystical, and by the natural sign, which is artistic—the poet and the statuary will desire to have a knowledge of the natural signs of character, and will labor diligently to acquire them. They will be able not only to imitate what they have seen, but to represent what they imagine. Their imaginations are symbolic of their own emotions and character; not like the dreams of a drunkard, but like those of a God. The excellence of what they imagine will be, first, in the thing signified, and secondly in the beauty of the mark or symbol. Phidias has a passion of magnanimity in his soul, and Pericles has an equal passion; but they will diversely discover this: one in war or in oratory, the other in a poem or in the statue of a magnanimous hero. If any man is inspired with greatness, or with prudence, or with justice, or with any other virtue, his inspiration forces him to discover, in some manner, the quality of his spirit. In the strictness of his dealings, the man of wealth discovers his regard for justice, and wins the confidence of the citizens. The hero shows them that he values the fame of courage and constancy above all other things; and at once all men accord it to him. These are driven by necessity to perform many gross and laborious duties, that their virtue may be conspicuous. But the orator and the artist are able to show forth the noblest qualities by the force of words alone, or by the gestures and natural graces of the body. But the power of imagining great qualities, and that of beautifully representing them, are not always conferred upon the same person. I may be able to imagine the quality of justice, and see the signs of it, though I am unable to imagine or shape forth the perfect image of a just person; but the statuary will be able, not only to conceive, but to personify justice. The desire of the artist is, therefore, to know the natural marks of character; for by these he is enabled to express the greatness of his own soul. But if he fails to acquire a knowledge of these marks, he will resort to artificial symbols, invented as substitutes. As when a speaker, unable to describe a glorious action, declares only that it was glorious; putting a word for a thing: or, when an orator, wishing to seem admirable, advises promptness and vigor, but cannot say

what it is that is prompt and vigorous.

PHID. By Hercules, I have known such! But Anaxagoras had not heard our new tragedians, who fill the mouths of their heroes with a kind of metaphysical wisdom, while they compel them to actions fit only for slaves and voluptuaries. By the Gods, if they are admitted to Elysium, the heroes will avoid their society!

Soc. Is it just, then, to be in a rage with their ignorance?

PHID. Not with their ignorance, but with their treachery; for they use the symbols and names of virtue to mislead mankind—like traitors who carry a banner into an ambuscade.

Soc. They are what they are. But hear Anaxagoras.

PHID. Go on; I desire to hear him.

Soc. Thus, then, he continued: "For you, Socrates, if you mean to make images of the Gods, it will be necessary to acquire a knowledge of these beings, or rather, of the qualities in men of which they are sources: as of justice and wisdom, in Zeus; of virtuous prudence in Athene; of knowledge, with the love of glory, in Apollo; and of all inferior qualities in inferior Gods. But because these beings have no body, they cannot be truly represented, and must therefore be symbolized, either by signs and ceremonies significant of their powers, or by human figures, to express their place and authority in man: for to the worshiper it is indifferent whether the power of the God is suggested to him by a statue, or by a ceremony; both are symbolic and equally remote from the reality. The statuary, therefore, will observe the signs of character in the face and limbs, and in the carriage and motion of the body.

PHID. It is impossible to represent motion by a picture or a statue.

Soc. But a poet may represent it to the mind's eye, and the actor may impersonate it, and the musician can give a feeling of it; or am I wrong?

PHID. The gesture of an image in marble should be always at a point of rest, as when the dancer balances in his step, or the wrestler is just equaled by his antagonist, or the orator pauses an instant at the close, keeping an attitude of persuasion: an eagle may be seen poising himself, or even soaring upon the ether; but if Theseus, in the marble, rushes down to Hades, I expect at each

moment to see him fall headlong. But proceed.

Soc. "Because the head, and especially the face," he continued, "is the most expressive part of the figure, it will be necessary to have a perfect knowledge of their parts, both internal and external. For in animals, the form of the internal determines that of the external parts. But this knowledge (of the head and face) is much more difficult than that of the body. Strength is easily represented in the limbs, as beauty is in the face; because these parts are the natural seat of such qualities: but to confer beauty upon the limbs is as difficult as to impart vigor to the face. In regard to those qualities to which strength and beauty are subordinate—serving only to recommend and grace them—they appear either in the gesture of the body, or in the expression of the features. But because the knowledge of the superior qualities is inexpressibly difficult, and subject to rules known only to the most skillful, very few have been able to compose statues which fitly represent them; and the greater number are content with an outside of beauty and strength, as in a Lydian woman or a boxer. A few, only, have given a divine expression to the head, as in that of Zeus, and of Homer; and the works of these few are incessantly copied and applied to other subjects. But the science of this art remains unknown, nor has any man pretended ever to be able to teach it."

PHID. I should willingly listen to any one who would teach me such a science.

Soc. Shall we, then, inquire whether it is possible to attain it?

PHID. Let us spare no pains to follow the inquiry: it seems to be a matter of the utmost consequence.

Soc. Let it be conceded that Anaxagoras said nothing extravagant, when he affirmed that the human body is not only the agent, but the image or symbol, of the spirit which informs it; and that every limb and feature must signify, in some manner, the quality of the man. The body, being therefore the natural and only image or symbol of the spirit, has its true stamp and expression in the parts as in the whole. It is to the soul, as the handle of an instrument to the hand which grasps it. But the shape of the hand determines the shape of the handle; and the use to which it is applied, the figure and quality of the blade. So, the various energies of the animal

predetermined the figure of its body. But when it happens that the substance is ill tempered, and the instrument weakly made, it will answer but feebly to its uses. And in the same manner it happens with the body of man—which is of a nature liable to various perversions—that it rarely attains perfection, or is fitted freely to perform its offices.

PHID. Why may not one spirit be inferior to another, and fitted with an inferior body? Or why may not a powerful spirit inhabit a weaker body?

Soc. It seems to me absurd to say that one immortal being is inferior to another of its kind; nor is it right to speak of a spirit as of a thing that may be greater or less; for a spirit has no dimensions. We may say that less of it appears, because of the body's weakness; but not, that the spirit of one man is *essentially* inferior to that of another. Before God, all are equal.

PHID. I am perplexed with a doubt. The actions of some men are wholly passionate, while those of others seem full of reason. Say, then, whether passion and intellect flow from the spirit of reason, or whether one and the same energy is the cause of reason, passion and intellect.

Soc. Say, also, of sensual desire and of instinct. Our inquiry now is, whether the governing spirit is the same with the governed; whether the intellect, the passion, the fancy, and the brute instincts, are the same with that divine energy which governs and regulates them!—which is absurd.

PHID. Is man, therefore, a body inspired by several souls or energies?

Soc. That he is moved by various energies no one denies; but if we choose to call them "souls," then he is, indeed, a subject of many "souls." But this is to amuse ourselves with words. Let the grosser energies be named *INSTINCT*, and no one will be offended; for we feel within us the instincts of irrational life. Then let the name *SOUL* be applied to understanding, memory, prudence, fancy, passion and affection; which we have in common with the ape and other intelligent brutes. These are limited and perishable energies, full of pain and variability. As for that "*human soul*," or, more properly, for that *RATIONAL SPIRIT*, we believe in its immortal nature, and confess that its office is to rule over the intelligences, and over the instincts. Do we not?

PHID. We do, indeed; nor have I ever heard the contrary.

Soc. If, then, the body is the agent and instrument of the instincts and of the intellect and passions, will not these powers make themselves apparent in it by certain marks by which an intelligent, a passionate or an intellectual disposition may be distinguished from one that is gross and instinctive?

PHID. Evidently. But can we say of the inferior energies that they are essentially variable?

Soc. Can we say of two magnets, that the energy of one is essentially inferior to that of the other; or only, that one discovers or possesses more of the common power? Do they differ in degree, or in kind?

PHID. In kind; and the same will be said of two men—that they differ not in kind, (for the same power is in both,) but only in degree—and that one, because of the better disposition of his body, discovers more than another of the spirit which inspires all.

Soc. Every man carries in him the marks of his disposition, as dogs and tigers carry those of theirs; but the bodies of men have also other traits; as, of honor, kindness, magnanimity, rectitude, and the like; which no other animal discovers. Must we not say, then, that this body, with its inferior energies, is created to be the slave of the Rational Spirit?

PHID. How can it be otherwise? But I have seen men who differed little from dogs and cattle.

Soc. Say, rather, you have seen the bodies of men; and that in these bodies the marks of reason were the faintest possible.

PHID. Can we say, then, that a person gifted with observation might discern the shape of the soul by the form of the body?

Soc. We are already guarded, O Phidias, against so gross an absurdity! for we agreed that the human spirit is a being without shape or dimension, but full of power, and able to originate an infinite variety of action, when provided with a body through which it may act. Because the acts of the soul are limited by this condition, the marks of character in the body are the marks of the body's, and not of the soul's, excellence; indicating a greater perfection in the organ, and through this only, a greater *activity* of the Rational Spirit. Do I speak reasonably?

PHID. Mysteriously, if not reasonably. It seems by what we have admitted that the magnanimity and greatness of a man is not like that of a Deity ; but rather belongs to him as an accident or condition of the present life.

Soc. Why not ? Is not all human excellence liable to loss, like life itself, and like all other possessions ? Or, may we suppose that a skillful mathematician will be the same in Hades, or that a good rhetorician or dialectician will find these qualities serviceable among the Gods and genii ; or that any extraordinary virtue in business, or justice in the affairs of the city, will avail much in Elysium ; where there is no business and no city ?

PHID. The spirit of man, O Socrates, seems to me divine ; but this is a new opinion of yours, that justice and the other virtues are among the accidents of her mortal state.

Soc. Consider, and answer me. Does any work of the hands seem to be of much worth ?

PHID. No, not even the best !

Soc. But how is it with a just judge ; does he take a pride in decrees, when he has lawfully divided an estate, or enforced the payment of certain dues ? Or do these acts, and all others, appear contemptible, compared with the power of the spirit ?

PHID. They do, indeed !

Soc. The spirit of man, therefore, despises its body, and desires to be provided with a better. But can the universe itself ever satisfy the desire, or exhaust the capacity, of such a spirit ?

PHID. If all that you say is true, it follows that the spirit of man is not answerable for wrongs done by it in the body ; but if all virtues and all vices are the fruit of this marriage between body and spirit, why are men punished for injustice ? for the fault is not of their spirit but of their body ?

Soc. Answer me ; is punishment of the body or of the spirit ?

PHID. Of both.

Soc. Say, then, is death a punishment of the spirit ?

PHID. Of the body, rather ; for a death of the spirit is as impossible as a birth of the spirit.

Soc. When a person is declared infamous, is that a punishment of the body ?

PHID. Of the spirit, as I think.

Soc. The shame of infamy is, then, a pain of the immortal spirit ; and it follows, that this immortal spirit is a being

susceptible of pain and pleasure. Or is it so ?

PHID. Not so, my friend !

Soc. It appears, therefore, that infamy causes no pain to the infamous.

PHID. By Zeus ! their pains are terrible ; they pine and waste away, as if touched with a pestilence.

Soc. Infamy, it appears, is a pain of the body ; but this pain cannot be inflicted upon brutes, because they are devoid of a spirit. The spirit, therefore, not only governs, but punishes the body. Like the votaries of Isis, remorseful spirits wound and destroy their bodies, in honor of justice.

PHID. But if any man is naturally unfitted for the perception of justice, shall he go unpunished as having no conscience ?

Soc. Answer me again, that I may answer. If my eye is blind, must I be punished for not seeing, or is this blindness its own sufficient penalty ?

PHID. It is a sufficient penalty.

Soc. But if I am blind, shall I be permitted to walk alone, to the danger of my life ; or would you have some one to attend and instruct my steps ?

PHID. I would have you attended and instructed.

Soc. But if any person, through an inward blindness, lives injuriously, hurting himself and others, shall he, too, be watched and restricted, or shall he be suffered to go at large and commit injuries ?

PHID. He shall be confined, and cured, if possible, of his blindness.

Soc. But if the disease is incurable, and the unjust man continue to be unjust, and watches opportunities to destroy his keepers, so that all are in terror of their lives because of his incurable stupidity and ferocity, shall he be permitted to live ?

PHID. I think it would be unjust if the law should suffer it.

Soc. It seems, therefore, O Phidias, that the blindness of the wicked is its own punishment, as the virtue of the just is its own reward.

PHID. Are we to conclude that punishment belongs altogether to the spirit, and that the spirits of the wicked shall torment them while they are scorched with the fire of Tartarus ? or, are the torment and the fire one ?

Soc. We have reason to believe that remorse is the true Tartarean fire.

PHID. Why then, if the faults of men are sufficiently punished by remorse,

should other punishments be inflicted on them by the laws?

SOC. Answer me, is not law established for the protection of the innocent?

PHID. It is; and for the punishment of the guilty.

SOC. But the punishment of a crime should be equal to the crime; or should it not?

PHID. It should.

SOC. Say, then, if I am willing to endure the penalty of a crime for the pleasure of injuring my neighbor, whether the penalty would be of the least avail.

PHID. It would be of no avail; and, on reflection, I think it would be impossible to inflict equal penalties. If it happens, for example, that a thief robs me of my purse, he must be punished by a fine; but if the robber has no property he cannot pay the fine, and will therefore escape free.

SOC. If the laws, O Phidias, are established for the punishment of crime rather than for the protection of the just and innocent, they are miserably contrived, and fail altogether of their purpose. But if we suppose them established for protection, and not for punishment, it seems possible to make them perfectly just. Let us therefore give over the souls and bodies of the wicked, in this life and in the next, to conscience and the fire of Tartarus, as is just; for we know that it is impossible for a mortal to punish adequately; and that if any man attempts it, he is sure to commit injustice. But if the law-maker aims only to protect the helpless, and secure each man in his right, he will have no difficulty in determining what ought to be done with robbers and murderers, or with those who commit crimes against the state. Nor are law-makers to be embarrassed with any sophistical subtleties regarding the nature of the souls, or whether men are, or are not, to blame for the crimes they commit. Whatever danger arises, whether from robbers or neighboring enemies, from sedition or natural calamities, they must provide against it, endeavoring, by wisdom and the utmost vigilance, to insure every one in the enjoyment of what is justly his own. If a robber is mutilated or beaten, it is to deter him and others from a repetition of the wrong; and if a murderer is deprived of his life, it is for the safety of the innocent, and not for the punishment of the guilty. Nor need the lawgiver inquire whether spirit or body is more to blame; when he

knows that by the pains of the body, and the loss of its liberty, the just are protected, and the unjust prevented. If any are ready to excuse their crime with this plea, that being made evil by nature they are blameless, and cannot justly suffer penalties, the legislator may answer, that he intends not punishment but protection; that punishment belongs to God alone; but that if the just and the innocent are injured, those who injure them, or slay them, must be prevented from a repetition of the crime; even, if that be necessary, by their death. From the robber and the wild beast alike, the law protects us: making no inquiry into the nature of soul and body, or whether men are to blame for a naturally bad disposition; but asking only whether the criminal is likely to repeat his crime; and if it appears that he is bad and dangerous, he is prevented by imprisonment or banishment; or, if necessary, by death.

If the blame of evil is thrown altogether upon the body, no man will be any the less fearful of the pains which follow iniquity, the diseases of lust, the shame of vice, the anguish of remorse, and the insufferable anger of the Gods. For, as it is impossible to act, so it is impossible to suffer, without a body. If we imagine a future condition of the spirit, we imagine her in another body; nor is it possible to conceive her otherwise than as capable, through a bodily existence, both of happiness and misery. We think of this body as of a gift of Heaven to the spirit, that it may not only *be*, but may also *exist*; in other words, that it may be capable of happiness and misery. The bodies which the spirit animates were given to it in the beginning. On each of them certain energies were conferred, to be the causes of life and death, of good and evil. To have eternal existence is the gift of the spirit, and she imparts this, in a manner, to the body—lengthening its life in time, and extending it over space, by the labors of glory and wisdom. The elected spirit passes continually toward a better life, ascending by steps, and animating at each step a better and more powerful body.

PHID. It is your custom, Socrates, to advance in this manner from the known to the unknown. But we have forgotten this science of expression, of which we just now inquired, whether there could be such a science. I am satisfied that the body must express all the energies; for, if it did not, how should we know

the existence of such energies? since that only is an energy which is the cause of an action or expression.

Soc. If you believe this, you believe in a science of the kind we are discussing. But would it be lawful to use such a science? If any man imagines the Gods have assigned him a body incapable of the greatest virtue, would he fail to be corrupted by this belief—laying the fault of his sins upon the imperfection of his soul's organ?

PHID. How is any danger to be apprehended from that cause? If the measure of a crime is as the greatness of the law it violates, he who is naturally incapable of the law is equally incapable of the crime. The degree of remorse, which is the only divine punishment, will be, in this life and the next, as the degree of conscience given to the criminal.

Soc. It is necessary, O Phidias, if we mean to understand this matter, by no means to confound the body with the spirit; or to imagine that a spirit is a being composed of parts, and originating separate effects. We are compelled, therefore, for each power of the spirit, to provide a separate instrument; as, for the sight, an eye; and for hearing, an ear; and for the combination of these and all other senses, an organ of perception; and for the combination of perceptions, an intelligent organ; and, lastly, for the unity of all, a rational organ, for the actual perception of right. The body, therefore, must represent each and all, being their servant and exponent. If, then, we observe that any person is just in all his actions, it is necessary to confess that the eye of his spirit, with which it beholds justice in externals, is bright and far-seeing. But it would be absurd to say of his immortal spirit itself, that it has more of divinity or more of justice than the spirit of any other; before God, all are equal: for we have agreed that the spirit of man is not a thing of parts and qualities; and that it is, therefore, incapable of the more and the less; but if anything is immeasurable, it is also unimaginable and spiritual—a source of power without substance, and a cause of form without shape. The spirit is, therefore, neither just nor unjust, good or evil, in her essence, but is the perceiver and causer of these through the medium of her instrument. So, also, we say of God, that his justice is in his works, but that he is more than justice. And of justice and other virtue, we say, there is more

or less in this man and in that, as if I were a measurable thing, capable of increase or diminution; but the spirit is incapable of either. We say of a king, that he is a greater or less, according to the width of his dominion; and we say of the spirit, that it is greater or less, according to the excellence of the body in whom it rules. If it could be given to the spirit of a man to animate the body and govern the intelligences of a demigod, it could then discern and practice perfect virtue; but if, as with ourselves, it is confined within a narrow house, and looks out upon the world through imperfect organs, as through the loop-holes of a prison, hardly discerning what is right; is it the part of wisdom to be enraged and discontented, because things are so ordered? It seems to me, therefore, to be not only a lawful but a necessary knowledge, from the marks of the body, to draw conclusions regarding the energies. If I observe the marks of cruelty in a brute, I avoid him; but these marks are equally evident in men. Why should they be overlooked? Is it lawful to discover goodness in the *action* and *speech* of a friend, but unlawful to see it in the features of his body?

PHID. This kind of inquiry, Socrates, already occupies the inquisitive. They are incessantly prying into each other, as if some mighty good might follow a discovery. And now, by this new science, they will be saved much labor, having a certain rule by which to judge and be judged. A vast advantage!

Soc. When a new weapon is brought home from the cutlers, the children seize it for a plaything. Presently an eye is put out, and the mother blames all weapons in general, not excepting knives and hay-forks.

PHID. Have you seen this Egyptian, who, for a piece of silver, gives you a list of your virtues by the signs of your face?

Soc. I saw him followed by a crowd. Some questioned him for themselves, and others for their friends or enemies. A young man, who aspires to the magistracy, asked him whether Pericles' face did not prove him a tyrant. The Egyptian said that it did not; whereupon Thrasymachus cried out in a rage, that if his face did not, his body did; for that he carried it haughtily. The rest then crowded about and silenced him, by applauding the Egyptian, who presently, on this encouragement, gave us what he styled an

analysis of Pericles, and ended with declaring him a God.

PHID. How did the people take it, when he came to the apotheosis?

Soc. They applauded; and some said they thought better of Pericles than of Zeus, since the God had sent a famine upon Attica, but the man had relieved it.

PHID. A fine conception of Zeus, indeed! My statue of the God is far nobler than any mortal.

Soc. Perhaps so, in the form; but for the substance—a worm in flesh is nobler than a God in the stone. Pericles governs by the force of his spirit, not by the beauty of his body.

PHID. I am persuaded, Socrates, in regard to this science, that it is not only a possible, but a natural and lawful part of knowledge: nor, without some degree of it, could I myself compose a statue or a picture. The Greek statuary excel all others, because they have a quick apprehension of the marks of character in men, and have the art to represent them under the appearances of beauty; but beauty is easily attained, expression not easily. To combine both as I have done, is immensely difficult.

Soc. The Egyptians, who, as you know, observe everything, have a theory, that men's characters may be known from their resemblance to brutes. They compare a coxcomb to a peacock, a fool to an ass, a glutton to a hog; as though the same power impelled both. What think you of that?

PHID. As of the other, that it is true. What could produce the strut of a peacock other than the soul of a peacock? or the malice of a wolf other than the soul of a wolf?

Soc. Men, therefore, are bears, wolves and asses to each other?

PHID. Yes, when they cease to be men.

Soc. I imagine that a power of representing these marks of brutality in the human figure might be useful to a statuary. A smatterer would perpetually injure both himself and others, by affecting to see deeply into men when such penetration is uncalled for. Every art and science has its place and its use. To us, at this moment, a knowledge of physic or astronomy would avail nothing; for we are neither pedants nor sophists. But if we were at sea or sick, they would be serviceable. If the characteristic of a just or wise man is, that he does all things suitably to the occasion, that of a fool is to go about thrusting in his acts

and opinions at the wrong time and place. We say that all things are excellent in their order; but it seems to me that the place and time for using physiognomical art, are easily known by a person of the least discretion. The artist must employ it in studying human faces, or modeling statues in clay. The master may use it, when he purchases a slave or hires a servant.

PHID. You begin to talk of this art as though it were founded in nature and necessity.

Soc. I confess to a belief in its possibility, but not to a true knowledge of it.

PHID. Say, then, how this knowledge may be acquired.

Soc. When any person, with an experience in the nature of things, practices accordingly, we say that he has a *rule*; a number of rules towards one end or purpose constitute an art; and he who can apply rules is equally an artist, whether he originated or learned them. To originate, or to have the power of originating, rules, is named science or invention. It is necessary, therefore, that the science of the marks of character should be invented, and reduced to rules, before it can sustain an art.

PHID. How would you begin to invent such a science?

Soc. I am not addicted, O Phidias, to the invention of sciences, but desire rather to receive them from others; that I may continue, uninterruptedly, in meditation and conversation. Nevertheless, if it is agreeable, I will say what seems fit to be said.

PHID. Say on.

Soc. First, then, we must observe and separate the actions proper to men and brutes, assigning each kind its proper actions, distinguishing the superior from the inferior, and naming each by its common and proper name. Among these, the actions of instinct will rank lowest—for they are common to all—and the actions of reason highest, for they are proper to man. But there is a kind of action, intermediate between reason and instinct, which is common to man with some animals. Of this kind are all impulses of passion, love, cunning, fear, mirth, and pure intelligence. These, let us name by the *Intelligences* or *Powers* to which they belong.

The acts of Reason are either in the gesture and carriage of the body, in the nobler expressions of countenance, in the conduct of affairs, the administration of

laws, and all that regards equally the future and the past. The acts of the Intelligences, on the contrary, are transient and impulsive. They vary with the condition of the actor. The same animal may be now in rage, and now in love, with the same object. All the Intelligences are of a nature which enables them to act in the absence of their objects. Love, for example, is powerful even in the absence of the thing loved.

But for those instincts which impel to sensuous acts, they require an immediate presence of the object, and have no force in its absence. Light has no power with the closed eye, nor in silence is there any effect of sound. These, then, are the acts of sensuous energies, which require an internal or external sensation to bring them into action.

Having assembled the actions proper to instinct under their several energies, and those of the intelligences under theirs, I would then consider with the utmost care, the actions of reason, which it seems proper to name divine. These are, those of justice, of religion, of honor, ambition, faith, and humaneness; as they are seen in government, the care of a household, worship, and the liberal arts; not forgetting the occupations of trade and manufacture—for these must be regarded as perfectly rational. When the energies of reason are known, and severally named, they may be elegantly arranged as the governors of the intelligences. Thus, over cunning and prudence we may assign justice to be the governor; over love and anger, honor; over the sciences and liberal arts, obedience, or reverence for the best.

In like manner I would place the intelligences, love, passion, cunning, intellect and fancy, to reign over the several groups of instincts. Having in this manner effected a perfect order and subordination of the energies, all human actions would fall into a harmony. The ways of God would then appear reasonable and just. Any imperfection of character might then be assigned to its proper cause; and we should say of this and that character, not that it is intrinsically bad, but that certain faculties or energies are feeble or imperfect in it—that it is deficient, for example, in the quality of anger, but has an abundant prudence, which is better, and less barbarous, than to call it "poltroon." And then, if any such characters should happen to exert a philosophy of their own, leaving anger out of their system,

we should know how to account for the omission.

PHID. None but a lover of true wisdom would be able to complete a system of this nature.

Soc. Though it might need such an one to invent it, the simplest might be made to understand it, once invented. Am I wrong in thinking so?

PHID. You seem to me, O Socrates, to be mistaken in judging that any but a true lover of wisdom could even understand this system.

Soc. Let it be so: everything that is useful is difficult. Be it supposed that some one more fortunate or more laborious than others, has invented a true system of all the powers which govern the body of a man: he is now in a condition to judge of the marks of these powers. For if he did not know the power, how could he know the marks by which it is to be known? Observing each until he has a perfect knowledge of it and knows its mark, he will presently recognize a certain harmony of features or marks, contributing to the beauty of the body. Rectitude will appear in a firmness and perpendicularity of the whole figure—vanity in a toss or lolling of the head—obedience, in a reverent inclination of it—cruelty, in a cold and slow-moving eye—sensuality in all its proper grossness. Thus, the actions of the man will have given an idea of the powers which control him; and the knowledge of these powers will enable a perfect determination of their proper features. By excellent combinations of these features, every degree of beauty, force and expression may be given to the work of the statuary.

PHID. It shall be my prayer to the Muses, O friend, that some one may invent, happily, the science of this art, while I am yet alive. I can think of nothing that carries with it a greater promise of utility, and that, too, not for me only, or those who work in ivory or brass, but for poets and orators, for teachers of youth, and ministers of the Gods.

Soc. Say, then, Phidias, in what manner you think it may be made profitable.

PHID. I would have the orators know what power they address—whether the reason or the passion, the vanity or the justice, of the people. At present, they imagine that the people are incapable of justice, and seldom venture to address that power. Our new science would convince them that every man is more or less ca-

pable of it. And for the poets, if they had this science, they would know how to exclude what is proper to vanity from the speeches of heroes. I would have the teachers of youth instructed in it, that they might not stifle or neglect the powers of their pupils, nor attempt one discipline by the exercises of another. Ministers of the Gods should learn it, that they may know what quality or energy

they adore under the name of a God : for in their present ignorance they confuse the offices of all their deities, and invent abominable tales, under pretence of honoring them.

Soc. Offer my prayers with yours, excellent Phidias, for the happy advent of the new science. May the purpose it may serve more than counterbalance the evil it must bring. J. D. W.

MARSHAL MASSENA.

No one can be long in Genoa without becoming acquainted with the striking characteristics of Massena. The heights around the city in which he struggled—the crippled and deformed beings that meet one at every turn, pointed to by the inhabitants as the results of that awful famine Massena brought on the inhabitants, when besieged by sea and land he obstinately refused to surrender—are constant mementoes of that iron-hearted man.

Andrea Massena's birth-place was only a hundred miles from Genoa. He was born at Nice on the 6th of May, 1758, and, while still an infant, was left an orphan in the world. Growing up without parental care, his education was neglected, and he was left to the mercy of almost any impulse that might strike him. An uncle, captain of an ordinary merchant vessel, took him to sea with him while he was a mere boy. But after having made two voyages, the young Andrea, then only seventeen years of age, enlisted as a private soldier in the royal Italian regiment, in which another uncle ranked as captain. This service seemed more fitted to his tastes, and he performed its duties with such regularity and care that he was made corporal. Long after, when scarred with his many battles and standing on the highest pinnacle of military fame—Marshal of France and Duke of Rivoli—he frequently spoke of this first promotion as affording him more happiness than all the after honors that were heaped upon him. From this he went up (gradually enough, it is true) to serjeant, and, finally, adjutant, where he stopped. Unable by the

most strenuous exertions and unimpeachable fidelity to reach the rank of under-lieutenant, he at length, after fourteen years' service, left the army in indignation and, marrying the daughter of a shop-keeper, settled down as a common man in Nice. Here he doubtless would have remained and died a common man, but for the outbreak of the Revolution. Massena, like those other stern-hearted men who afterwards shook Europe so, heard the call for brave and daring spirits and immediately reentered the army. At the age of thirty-five he found himself general of division, and had acquired in the army of Italy, where he served, the reputation of a man of great courage and skill. He was present at Montenotte, Millesimo, Arcole, Lodi, and through all that brilliant campaign of Napoleon in 1796, in Italy. He did not long escape the eye of the young Corsican who was astonishing Europe by his victories, and he soon began to look upon him as he did upon Ney, Lannes and Murat. He once said to him during this campaign, "Your corps is stronger than that of any other general—you, yourself, are equivalent to six thousand men." When peace was concluded with Austria, he was chosen to convey the ratification of it to the Directory, which received him in the most flattering manner.

While Bonaparte was in Egypt, Massena commanded the army on the eastern frontiers of France. On his return, Massena was intrusted with the defence of Genoa, invested by the Austrians and blockaded by the English. The next two or three years were passed at Paris or Ruel in comparative idleness. He bought

the magnificent chateau of Richelieu at the latter place, and scarce ever appeared at court. He was a strong republican, and disliked the pomp and show the First Consul began to gather around him. Bonaparte was aware of this, but still he felt he could not do without him; and so, when made emperor in 1804, he made him Marshal of France. The next year the defence of Italy was intrusted to him, and at Verona, and afterwards at Caldiero, he beat and completely routed the Archduke Charles and drove him out of the country. The year following this he commanded the army that accompanied Joseph Bonaparte to Naples and, by the successful siege of Gaeta, fixed the new king firmly on his throne. These were the years of his glory; and we find him the next year, 1807, commanding the right wing of the Grand Army in Poland. At the close of this campaign he was created Duke of Rivoli, and presented by Bonaparte with a large sum of money with which to support his new title.

In 1810, Napoleon placed him over the army in Portugal. Reducing Ciudad Rodrigo, after three months' siege, and taking Almeida, he advanced on Wellington, who retreated to the Torres Vedras. Here the English commander intrenched himself and bid defiance to Massena, who, finding himself unable to dislodge him, and famine and sickness wasting his army, was compelled to commence a disastrous and barbarous retreat into Spain. He was shortly after recalled, and from his infirm health and shattered constitution, was left behind in the fatal Russian Expedition, though he earnestly besought it. This ended his military career. He was at Toulon when Bonaparte landed from Elba. He could not at first believe the report, but he was soon convinced of its truth by a letter from Napoleon himself. "Prince," said he, "hoist the banner of Essling on the walls of Toulon and follow me." But the old Marshal refused to break his new allegiance till the surrounding cities had gone over, and the Bourbon cause was evidently lost. He took no part in the military preparations of Napoleon during the Hundred Days, and after the overthrow of the Emperor at Waterloo he was appointed by Louis commander of the National Guard, and was one of the council appointed to try Ney. But the old Marshal declared the court incompetent to perform such a task, and would have nothing to

do with the dishonor and murder of his old comrade in arms.

I have thus given a brief outline of Massena's career, in order to furnish a kind of reference to the reader when I come to speak of the battles in which this intrepid leader exhibited his great strength.

Massena possessed scarcely a trait either of the Italian or French character, though, from his birth-place, he might be supposed to exhibit something of both. He was not an impulsive man like Junot or Murat, nor an impetuous creature like Lannes. He was not easily excited, but when once aroused he was one of the most terrible men in Bonaparte's army. He was like an enormous wheel that requires a great deal of force to set it in motion, but when it does move it crushes everything in its passage. Perhaps the prominent trait in his character was fixedness of purpose. He was more like Ney in this respect than any other of Napoleon's marshals. His tenacity was like death itself. A battle with him never seemed over, unless he gained it. This obstinacy of resolution never forsook him. I do not know an instance in his whole career, where he appeared the least affected by the panic of others. The cry of *saute qui peut*, never hastened his footsteps, or disturbed the regular movement of his thoughts. His own iron will was sufficient for any emergency. He wished no aid or sympathy from others to steady him. He fell back on himself in the most desperate straits with a confidence that was sublime. Amid the wildest hurricane of cavalry—face to face with a hotly-worked battery, while his dead and dying guard lay in heaps around him, or retreating before an overwhelming force—he was the same self-collected and self-poised man. Amid the disordered ranks he stood like a rock amid the waves, and hurled back from his firm breast the chaos that threatened to sweep him away. His stubbornness of will, however, was not mere mulish obstinacy, which is simply aversive to change of purpose, but was based on decisions which evinced the soundest judgment and a most active and vigorous mind. It is true that his hatred of defeat, combined with his stubborn resolution, sometimes caused him to err in exposing his men to useless slaughter. He was brave as courage itself, and constitutionally so. It required no excitement to bring him

up. He did not seem to be aware of danger, and acted; not so much like a man who has made up his mind to meet the perils that environ him heroically, as like one who is perfectly unconscious of their existence. His frame corresponded with his character, and seemed made of iron; his endurance was wonderful. He had one peculiar trait—he grew clear-headed amid the disorder of battle. It is said that on ordinary occasions he appeared dull and heavy, and his remarks were of the most ordinary kind; but the thunder of cannon cleared up his ideas and set his mind in motion. The effect of the first report of cannon, as it rolled heavily away over the field, shaking the plain with its sullen jar, was almost instantaneous, and his mind not only became active but cheerful. It was the kind of music he liked, and his strong, ambitious nature beat time to it. Neither was this a momentary excitement, but a steady effect continuing throughout the contest. Amid the wildest uproar of conflicting thousands—buried in the smoke and tumult of a headlong charge—his thoughts were not only clear and forcible, but indicated the man of genius. Great emergencies often call out great mental and physical efforts; but there are few men whose minds the roar of artillery, the shock of cavalry, and all the confusion and disorder of a fierce-fought battle-field, brighten up into its clearest moods. Such a man must have within him the most terrible elements of our nature. This singular characteristic gave wonderful collectedness to his manner in the midst of the fight. In front of the deadliest fire, struggling against the most desperate odds, he gave his orders and performed his evolutions without the least frustration or alarm. He never seemed disheartened by any reverses, and fought after a defeat with the same energy he did after a victory.

This self-control—this wonderful power of will—rendering a man equal in himself to any emergency—is one of the rarest qualities in man. Those who judge of Massena's ability as a general seem to overlook this characteristic entirely, or place it on a par with mere animal courage. But blind, dogged resistance is one thing—the same tenacity of will, combined with the powerful action of a clear and vigorous mind, is quite another. The former the most common man may possess, but the latter is found only in great men. It is mind alone that imparts that

prodigious power. Mere obstinacy secures about as many disasters as successes, but Massena acquired the title in the French army of "The Favored Child of Victory." No man could have won that title without genius. Nothing is more common than the absurd echo of Bonaparte's statements, that his generals could do nothing of themselves and were mere engines—terrible, it is true—which *he* brought to act on the enemy's ranks. Men talk as if those conquerors of Europe—the Marshals of Napoleon—were mere senseless avalanches which he hurled where he wished. Such splendid achievements as were wrought in the wars with Bonaparte are the results of military genius, not animal courage. But even Napoleon, when on St. Helena, was inclined to praise Massena. "Massena," said he, "was a superior man; he was eminently noble and brilliant when surrounded by the fire and disorder of battle. The sound of guns cleared his ideas, and gave him understanding, penetration and cheerfulness. He was endowed with extraordinary courage and firmness, which seemed to increase in excess of danger. When defeated, he was always ready to fight the battle again as though he had been the conqueror."

This is as true as any criticism Bonaparte ever passed on any of his marshals. The remark respecting his courage increasing "in excess of danger," is especially so. There seemed an exhaustless reserve force in him which came forth as the storm gathered darker and the dangers thickened around him. That force his will could not summon up—perilous crises alone could do it, and then his very look and voice were terrible. Towering in front of his shattered column, he moved like the God of War, amid the tempest that beat upon him. Sometimes, when moving into the very teeth of destruction, he would encourage his shrinking men by putting his hat on his sword and lifting it over his head, and thus, like a pillar of fire to his men, he marched straight on death. There cannot be a more touching eulogy than that passed on Massena and others by Napoleon when, sad and disheartened, he wrote from before Mantua to the Directory, informing it of his perilous position. Said he, "I despair of preventing the raising of the blockade of Mantua; should that disaster arise, we shall soon be behind the Adda, and perhaps over the Alps. The wounded are few, but they are the

élite of the army. Our best officers are struck down; the army of Italy, reduced to a handful of heroes, is exhausted. The heroes of Lodi, of Millesimo, of Castiglione, of Bassano, are dead or in hospitals. Joubert, Lanusse, Victor, Murat and Charlot are wounded; we are abandoned in the extremity of Italy. Perhaps the hour of the brave Augereau, of the intrepid Massena, of Berthier, is about to strike; what then will become of these brave soldiers?" In his moments of despondency he confesses how he leans on such men as Massena. Well he might, for a short time after, in the terrible fight in the dikes of Reno, and the passage of Arcole, another of his props went down in Lannes, and Massena escaped almost by a miracle. In the wasting fire to which he was exposed, Massena could not bring his men to charge, except by placing himself at the head of the column, and lifting his chapeau on the point of his sword above his head, and thus moving to the onset. It is said that his bearing on this occasion was magnificent. While his column moved along the dike, he was seen in front, bareheaded, with his glittering sword stretched high over his head, on the point of which swung his hat as a banner to the ranks that pressed after; while his hair streamed in the storm of battle, and his piercing eye flashed fire, as it surveyed the dangers that encompassed him. Thus, again and again did he advance to the charge through the tempest of shot that swept everything down around him, and by this course alone was enabled to maintain his ground during the day.

But with all Massena's bravery, and firmness, and genius, he had some traits of character that stained his reputation and dimmed his glory. He was rapacious, it cannot be denied—though not to the extent his enemies assert—and at times cruel. He seemed almost entirely wanting in human sympathy, and cared no more for the lives of others than for his own, which was apparently not at all.

In the battle of Rivoli, which took place the winter after that of Arcole, Massena exhibited that insensibility to atigue which always characterized him, and which he, by constant, unwearied discipline, imparted to his soldiers. In this engagement, Bonaparte opposed thirty thousand men to forty thousand. He arrived on the elevated plain of Rivoli at 2 o'clock in the morning of the

14th of January. The heights around were illuminated by the innumerable fires of the bivouac of the enemy, revealing the immense force he was about to struggle against. Nothing daunted, however, he formed his army under the light of the silver moon that was sailing through the midnight heavens, shedding its quiet light on the snow-covered Alps, and casting in deeper shadow the dark fir-trees that clasped their precipitous sides; and by nine in the morning was ready for action. The Austrian columns, moving down from the heights of the Montebaldo, which lay in a semicircle around the French army, fell on the left with such power that it was forced back and overthrown. While the Austrians were following up this success, and the position of the French was every moment becoming more critical, the village of Rivoli, near by, suddenly rang with the clatter of horses' hoofs. Bonaparte, with his guard, was plunging through on a fierce gallop to the head-quarters of Massena. This indomitable chief had marched the whole night, and was now resting his troops before leading them into action. In a moment Massena was on horseback, and, forming his wearied troops into column, charged the Austrians in front with such desperation that they were forced to fall back, and the combat was restored. Bonaparte never called on the intrepid Massena in vain. The doubtful and bloody contest was at length at nightfall decided in favor of the French. But there was another Austrian army farther down on the Lower Adige, where Augereau's position was every hour becoming more critical. With a part of Massena's division, which had marched all the previous night, and fought with unconquerable resolution the whole day, he started for Mantua. These indomitable troops moved off as if fresh from their bivouacs, rather than wearied with a whole night's rapid march and a succeeding day of hard fighting, and marched all that night and the following day, and arrived after dark in the neighborhood of Mantua. At day-break the battle was again raging and, before night, Bonaparte was a second time victorious.

The next year found Berthier governor of Rome, and practicing the most extensive system of pillage on the poor pope and his Ecclesiastical States. The soldiers at length became exasperated with the excesses of their commander, and to check the insubordination, Massena was ap-

pointed to supersede him. All the officers, from the captains down, had assembled and drawn up a protest against the conduct of Berthier. Massena, as soon as he assumed the command, ordered the insubordinate troops, except three thousand, to leave the capital. But they refused to march, and assembling again, drew up another remonstrance—complained of Massena—accused him of pillaging the Venetian States, and practicing extortion and immoralities of every kind. Even his iron hand was not strong enough to reduce the soldiers to allegiance, and, throwing up the command, he retired to Arena.

While Bonaparte was in Egypt, Massena, after suffering various losses, and being finally driven from Zurich by the Archduke Charles, at length retrieved his fame by a masterly movement around the city, and evinced not only his unconquerable tenacity by fighting his lost battles over again, but also his consummate skill as a general in arranging his plan of attack.

But perhaps there is no greater illustration of Massena's firmness, courage and force, than the manner in which he sustained

THE SIEGE OF GENOA.

After Bonaparte's return from Egypt, he appointed Massena over the army of Italy. Moreau at the head of a hundred and thirty thousand men was to advance on Swabia, while Napoleon himself, at the head of forty thousand, was to march over the Alps.

The 60,000 soldiers given to Massena had dwindled down through fever and famine to about 36,000 fighting men, which were required to defend both Genoa and Nice, though a hundred and twenty miles apart. Melas, with 120,000 soldiers in good condition, was the enemy he had to oppose. Leaving 50,000 in Piedmont to watch the passes of the Alps, Melas bore down with 70,000 on the gorges of the Appennines, for the purpose of cutting the French army in two, and shutting one half up in Nice, and the other half in Genoa. This he succeeded in doing; and though Suchet and Soult fought with unexampled bravery, the French line was divided, and Suchet and Massena separated from each other. The latter was now compelled to fall back on Genoa, with only 18,000 men. On the evening of the 6th of April, the Austrian flag was flying on the heights that overlooked the city; while at the

same time a British squadron was seen slowly moving up the gulf to shut it in seaward. Without the speedy appearance of a French army over the Alps, the army of Massena was evidently a doomed one. He knew that he could hold the place against all the force that could be brought against it; but the convoys of provisions which had been kept back by adverse winds, were now effectually shut out by the English blockading squadron; while the Austrian army sweeping in an entire line round the walls of the city cut off all supplies from the country, so that famine would soon waste his army. But it was in the midst of difficulties like this, that Massena's spirit rose in its strength. He seemed to multiply with exigencies, and there commenced with the siege of Genoa one of the most heroic struggles witnessed during the war.

Genoa is defended, both by nature and art, as I have never seen any other seaport. The Liguria Gulf strikes its head deep into the Appennines, so that the ground slopes from the very verge of the water up to the mountain. Two moles running from the opposite shores, almost cross each other, cutting off the extreme point of the gulf for the port of the city. Perpendicular walls rise from the water, forming the base of the houses that line the shore. Around these, cannon are planted, while forts are on every commanding point above the city. Added to this, a double wall surrounds the town, one six miles in circumference, the other thirteen. The outer walls, corresponding to the shape of the hill, ascend it somewhat in the form of a triangle. Two forts, the Spur and the Diamond, stood at the top of this triangle, protecting the fortified walls down on either side by their commanding fire. There were three other forts on the east side of the city, protecting commanding eminences that rose from the river Bisagno. On the west, or towards Nice, there were no forts, and the Polevera comes pouring its waters into the gulf without affording any strong positions.

Thus defended, Massena saw the immense Austrian army slowly contracting its lines around the city, like a huge anaconda tightening its folds about its victim. Massena immediately resolved to attempt two desperate projects—one, to sally out on the east with his handful of men, and drive the Austrians over the Appennines—the other, to sally out on the west, and endeavor to cut the Austrian

army in two, and restore his junction with Suchet. Following out his daring plans, he on the 7th of April took Gen. Miollis's division, strengthened by some of the reserve, and dividing it into two columns, marched forth at their head to storm the heights of Monte Ratti. The Austrians were driven from every position by the desperate charges of the French columns, and forced over the Appennines; and Massena returned at evening, marching before him fifteen hundred prisoners, and among others the Baron D'Aspres, who had incited the peasants to a revolt. The inhabitants were crazy with excitement, rending the air with acclamations and shouts of joy—bringing litters for the wounded, and soup for the brave soldiers, and urging them into their houses—proud of the honor of sheltering one of the defenders of the city. Allowing only one day to intervene, Massena on the 9th of April sallied forth on the west side of the city, in order to cut the Austrian army in two, and effect a junction with Suchet. Word had been sent to the latter general of the premeditated attack, with orders to rush on the Austrian forces on the opposite side, and cut his way through. Massena took ten thousand men with him, leaving the remainder to protect the city. Gazan's division he put under Soult, with orders to keep along the ridge of the Appennines, while he, at the head of Gardanne's division, kept along the sea-coast below, the junction to take place at Sassello. Ten thousand French were on the march to meet forty thousand Austrians, under Melas. Soult, reaching Aqua Santa, made a brilliant charge on a superior body of Austrians, which threatened to cut off the retreat to Genoa. But this fierce battle prevented him from being at Sassello when Massena expected him, which would have proved the ruin of almost any other man but Massena. Marching unmolested along the beautiful riviera or sea-coast the first day, he came the second day upon the enemy. His force was divided into two columns, one of which he led in person. Supposing Soult to be at Sassello, and wishing to establish a communication with him, he had pushed on with only twelve hundred men, relying on his right column, now far in the rear, and Soult, to sustain him.

In this position nearly ten thousand Austrians moved down upon him, and endeavored to inclose and crush him.

Then commenced one of those desperate struggles for which Massena was so remarkable. With his 1200 men he kept the whole 10,000 at bay, while he slowly retreated in search of his lost column. Charge after charge of the overwhelming force of the Austrians was made on his little band; but he held them by his presence to the shock, with a firmness that perfectly surprised the enemy. Now it would be perfectly enveloped and lost in the cloud of the enemy that curtailed it in, and the next moment it would emerge from the thick masses of infantry, and appear unbroken with its indomitable chief still at its head. Unable to find the column which had lagged far behind, on account of the tardy distribution of provisions, he scaled, with his little band, precipices, plunged into ravines, and cast himself among bands of hostile peasantry, fighting all the while like a lion. Having at length found it, he rallied his troops, and determined to scale the Appennines, and reach Soult, also. But his men were worn out with the desperate fighting of the day, and could not be rallied soon enough to make the attempt successful. So, sending off all that were ready to march; as a reinforcement to Soult, who was struggling in the mountains against the most desperate odds, he fell back along the sea-coast to protect the entrance to the city. His company now being dwindled to a mere handful, it seemed as if every charge of the mighty force that rushed on it must sweep it away. But still Massena, a host in himself, towered unhurt at its head. At length, however, his overthrow seemed inevitable. A sudden charge of Austrian hussars had surprised one of the battalions, and it was just laying down its arms when Massena, seeing the danger, rallied with incredible rapidity thirty horsemen about him, and fell like a thunderbolt on the entire company. Stunned and driven back, they lost their advantage, and the battalion was saved. At length Soult, after proving himself fifty times a hero, joined him; and together, cutting their way through the enemy, they reentered Genoa with *four thousand prisoners*—more than half the number of the whole army that led them captive. When the Genoese saw him return with his handful of men, preceded by such a column of prisoners, their admiration and wonder knew no bounds, and Massena's power at once became supreme.

But now he was fairly shut in. His

army of eighteen thousand had become reduced to about twelve thousand fighting men. These, and over five thousand prisoners and the population, were to be fed from the scanty provisions which the city contained. In the midst of the darkness that now hung over his prospects Massena walked with a calm and resolute demeanor, looking the sufferings that awaited him and his army full in the face, without one thought of surrendering. At length, one morning about a fortnight after this last sally, a general cannonading was heard all around the city, even from the gun-boats on the sea, telling of some decisive movement of the enemy. A general assault was making on Fort Diamond, which, if taken, would shut up Massena in the inner wall of the city. The plateau in front of the fort was carried by them, and the fort itself summoned to surrender. The Austrians were gaining ground every moment, and threatened to carry the position of the Madonna del Monte, from which the city could be cannonaded. Fort Quezzi had been taken, and Fort Richelieu was now threatened. The French were driven back on all sides, when Massena at noon hastened to the spot. He ordered Soult, with two demi-brigades, to retake the plateau in front of Fort Diamond, while he himself advanced on Fort Quezzi. Around the latter place the struggle became desperate. Col. Mouton, after performing almost incredible deeds of daring, fell, pierced by a musket ball. The combatants had advanced so close to each other that they could not fire, and fought with stones and clubbed muskets. But superior numbers were fast telling on the French, and they were on the point of breaking, when Massena hurled his reserve, composed of only half a battalion, on the enemy. He himself was at its head, cheering it by his presence and voice, and, dividing the enemy before him as the rock flings aside the stream, swept the dense masses of the enemy over their own dead and wounded from the field.

Soult was equally successful, and Massena returned at evening with 1600 prisoners, having slain and wounded 2400 more. For three weeks he had fought an army of about 40,000 men with one of 12,000 in the open country, and had slain and taken prisoners in all nearly 15,000 men, or almost the entire number of the whole army he had led into Genoa. Nearly every man had

killed or taken his man, and yet there were 12,000 left to struggle on.

On the 10th of May Massena made another successful sally with his diminished army. General Ott, of the Austrians, had sent a boast to him that he had gained a victory over Suchet, which was a falsehood. The only reply the marshal made to it was to fall on the enemy with his brave columns. The Austrians were hurled back by his irresistible onset, and he returned at evening with 1500 more prisoners. Nothing shows the indomitable resolution and power of the man more than these desperate assaults.

But nothing could much longer withstand such superiority of numbers. Three days after this last victory another assault was made on Monte Creto. Massena was opposed to this movement, for he saw that his exhausted army was not equal to storming a position so strongly defended as this. But he yielded to the urgent solicitation of his under-officers; and the iron-souled Soult was allowed, at his own urgent request, to make the attempt. He ascended with a firm step the mountain, and fought, as he ever had done, with a valor that threatened to overleap every obstacle, when suddenly amid the uproar of battle a thunder-cloud was seen to sweep over the mountain. The lightning mingled in with the flash of musketry, while the rapid thunder-peals rolled over the struggling hosts, presenting to the spectators a scene of indescribable sublimity. In the midst of this war of the elements and war of men, Soult fell on the field. This decided the contest, and the French were driven for the first time before the enemy. Soult, with a broken leg, was taken prisoner.

This ended the fighting with the enemy, and now the whole struggle was to be with famine. Bonaparte knew the distress of his brave general, and he wrote to Moreau to accelerate his movements on the Rhine, so that Massena could be assisted. "That general," said he, in his letter to Moreau, "wants provisions. For fifteen days he has been enduring with his debilitated soldiers the struggle of despair." And, indeed, it was the struggle of despair. Napoleon was doing, but too late, what could be done. His magnificent army was hanging along the Alpine cliffs of San Bernard, while Lannes was pouring his victorious columns into the plains of Italy. But famine was advancing as fast as they.

The women ran furiously through the city ringing bells and calling out for food. Loaded cannon were arranged in the streets to restrain the maddened populace. The corn was all gone—even the beans and oats had failed them. The meat was consumed, and the starving soldiers fell on their horses. These, too, were at length consumed, and then the most loathsome animals were brought out and slain for food. Massena, still unyielding and unsubdued, collected all the starch, linseed and cacao in the city, and had them made into bread, which even many of the hardy soldiers could not digest. But they submitted to their sufferings without a murmur. On its being suggested to them that their general would now surrender—"He surrender!" they exclaimed; "he would sooner make us eat our very boots." They knew the character of the chieftain who had so often led them into battle, and he held over them the sway of a great and lofty mind. But the distress increased every day. Wan and wretched beings strolled about the streets, and, wasted with famine, fell dead beside the walls of the palaces. Emaciated women, no longer able to nourish their infants, roamed about with piteous cries, reaching out their starving offspring for help. The brave soldiers who had struggled for the past month so heroically against the foe, now went staggering through the streets faint for want of food. The sentinels could no longer stand at their posts, and were allowed to mount guard seated. The most desolate cries and lamentations loaded the midnight air; while at intervals came the thunder of cannon and the light of the blazing bomb as it hung like a messenger of death over the city. Added to all, rumors were abroad that the inhabitants were about to revolt and fall on the exhausted army. Still Massena remained unshaken. Amid the dying and the dead he moved with the same calm and resolute mien that he was wont to do amid the storm of battle. He, who could stand unmoved amid the shock of armies, could also meet without fear the slow terrors of famine. His moral power was more controlling than the command he held. He disdained to reserve any food for himself, but fared like the most common soldier. Though burdened with the cares and responsibilities that now pressed him down, he ate the miserable soup and more disgusting bread

of the starving soldier, sharing cheerfully with him his dangers and his sufferings. He, too, felt the power of famine on his own nature. Day by day he felt the blood course more sluggishly through his veins, and night by night he lay down gnawed by the pangs of hunger. His iron frame grew thin, and his bronze cheek emaciated, yet his brave heart beat calm and resolute as ever. The eye that never blanched even at the cannon's mouth now surveyed the distress and woe about him with the composure of one who is above the power of fate. But now a new cause of alarm arose. The seven or eight thousand prisoners, grown desperate with famine, threatened every day to break out in open revolt. Massena had furnished them the same supplies he did his own soldiers, and sent first to the Austrian commander and then to Lord Kieth to supply them with provisions, giving his word of honor that none of them should go to the garrison. They refusing to obey his request, he was compelled, in self-defence, to shut up the miserable prisoners in some old hulks of vessels which he anchored out in the port, and then directed a whole park of artillery to be trained on them to sink them the moment the sufferers should break loose. The cries and howls of these wretched thousands struck terror to the boldest heart; and the muffled sound rising night and day over the city, drew tears of pity even from those who themselves were slowly perishing with famine. Still Massena would not yield. A courier sent from Bonaparte had passed by night through the English fleet in an open boat, and though discovered in the morning, and pursued, had boldly leaped into the sea with his sword in his mouth, and, amid the bullets that hailed around him, swam safely to shore. Massena thus knew that Bonaparte was on the Alps, and determined to hold out till the last. But several days had now passed, and no farther tidings were heard of him. Many of the soldiers in despair broke their arms, and others plotted a revolt. In this desperate strait Massena issued a proclamation to them, appealing to their bravery and honor, and pointing to the example of their officers enduring the same privations with themselves. He told them Bonaparte was marching towards the city, and would soon deliver them. But the weary days seemed ages, and when nearly a fortnight had passed without tid-

ings, the last gleam of hope seemed about to expire. But suddenly one morning a heavy rumbling sound was heard rolling over the Appennines, like the dull report of distant cannon. The joy of the soldiers and populace knew no bounds. "Bonaparte is come!" ran like wild-fire through the city. "We hear his cannon towards Bochetta!" they exclaimed in transport, and rushed into each others' arms, and ran in crowds towards the ramparts to catch more distinctly the joyful sound. Massena himself hurried to the heights of Tanailles. Hope quickened his steps as the heavy sound broke over the city, and a gleam of joy shot over his countenance as he thought he should be saved the mortification of a surrender. But as he stood on the ramparts and gazed off in the direction of the sound that had awakened such extravagant joy in the hearts of the besieged, he saw only the edge of a thunder-cloud on the distant horizon; and what had been taken for the thunder of Bonaparte's cannon was only the hoarse "mutterings of the storm in the gorges of the Appennines." The reaction on the soldiers and people was dreadful. Blank melancholy and utter despair settled on every face, and Massena felt that he must at last yield; for even of the loathsome bread on which they had been kept alive there remained only two ounces to each man, and if they subsisted any longer it must be on each other. But the indomitable veteran did not yield until even these two ounces were gone, and even then he delayed. "Give me," said he to the Genoese, in the anguish of his great heart, "give me only two days' provisions, or even one, and I will save you from the Austrian yoke, and my army the pain of a surrender." But it could not be done, and he who deserved to be crowned thrice conqueror, was compelled to treat with the enemy he had so often vanquished.

The Austrian general, knowing his desperate condition, demanded that he should surrender at discretion. Massena, in reply, told him that his army must be allowed to march out with colors flying, with all their arms and baggage, and not as prisoners of war, but with liberty to fight when and where they pleased the moment they were outside of the Austrian lines. "If you do not grant me this," said the iron-willed Massena, "*I will sally forth from Genoa sword in hand. With eight thousand famished men I will attack your camp, and I will fight till I cut my way through it*"—and he would

have done it, too. General Ott, fearing the action of such a leader the moment he should join Suchet, agreed to the terms if Massena would surrender himself prisoner of war. This the old soldier indignantly refused. It was then proposed that the troops should depart by sea, so as not to join Suchet's corps in time to render any assistance in the open campaign of Bonaparte. To all these propositions Massena had but one reply: "Take my terms, or I will cut my way through your army." General Ott knew the character of the man he had to deal with too well to allow things to come to such an issue, and so granted him his own terms. When leaving, Massena said to the Austrian general, "I give you notice that ere fifteen days are passed I shall be once more in Genoa"—and he was.

Thus fell Genoa, defended by one of the bravest men that ever trod a battlefield. Nine days after, the battle of Marengo was fought, and Italy was once more in the hands of France.

I have thus gone over the particulars of this siege, because it exhibits all the great traits of Massena's character. His talents as a commander are seen in the skill with which he planned his repeatedly successful attacks, and the subordination in which he kept his soldiers and the populace amid all the horrors of famine—his bravery, in the courage with which he resisted forces outnumbering his own ten to one, and the personal exposure he was compelled to make to save himself from defeat—and his invincible firmness, in the tenacity with which he fought every battle, and the calmness with which he endured the privations and horrors of famine. His fixed resolution to cut his way through the Austrian host with his famished band, rather than yield himself prisoner of war, shows the unconquerable nature of the man. With such leaders, no wonder Bonaparte swept Europe with his victorious army. Neither is it surprising that, five years after, we find Napoleon intrusting him with the entire command of the army in Italy, although the Archduke Charles was his antagonist. He conducted himself worthy of his former glory in this short but brilliant campaign; and after forcing the Adige at Verona, he assailed the whole Austrian lines at Caldiero. After two days' hard fighting—repeatedly charging at the head of his column, and exposing himself to the deadly fire of the enemy like the meanest soldier—he at

length, with 50,000, gained the victory over 70,000, and drove the Archduke out of Italy. After the campaign of Eylau, in 1807, Massena returned to Paris, and appeared at court. But his blunt, stern nature could not bend to its etiquette and idle ceremonies, and he grew restless and irritable. It was no place for a man like him. But this peaceful spot proved more dangerous than the field of battle; for, hunting one day with a party of officers at St. Cloud, a shot from the grand huntsman's gun pierced his left eye and destroyed it forever. He had gone through fifty pitched battles, stormed batteries, and walked unhurt amid the most wasting fire, and received his first wound in a hunting excursion.

In 1809, in the campaigns of Aspern and Wagram, Massena added to his former renown, and was one of the firm props of Napoleon's empire on those fiercely fought battle-fields. Previous to the battle of Aspern, after the battle of Eckmühl, while Bonaparte was on the march for Vienna, chasing the Archduke Charles before him, Massena had command of the advance-guard. Following hard after the retreating army of the Archduke, as he had done before in Italy, he came at length to the river Traun, at Ebersberg, or Ebersdorf, a small village on its banks just above where it falls into the Danube. Here, for a while, an effectual stop seemed put to his victorious career, for this stream, opposite Ebersberg, was crossed by a single long, narrow wooden bridge. From shore to shore, across the sand-banks, islands, &c., it was nearly half a mile, and a single narrow causeway traversed the entire distance to the bridge, which itself was about sixty rods long. Over this half-mile of narrow path the whole army was to pass, and the columns to charge; for the deep, impetuous torrent could not be forded. But a gate closed the farther end of the bridge, while the houses filled with soldiers enfiladed the entire opening, and the artillery planted on the heights over it commanded every inch of the narrow way. The high-rolling ground along the river was black with the masses of infantry, sustained by terrific batteries of cannon, all trained on that devoted bridge, apparently enough in themselves to tear it into fragments. To crown the whole, an old castle frowned over the stream, on whose crumbling battlements cannon were planted so as also to command the bridge. As if this

were not enough to deter any man from attempting the passage, another row of heights, over which the road passed, rose behind the first, covered with pine-trees, affording a strong position for the enemy to retire to if driven from their first. Thus defended, thirty-five thousand men, supported by eighty cannon, waited to see if the French would attempt to pass the bridge. Even the genius and boldness of Massena might have been staggered at the spectacle before him. It seemed like marching his army into the mouth of the volcano to advance on the awful batteries that commanded that long, narrow bridge. It was not to be a sudden charge over a short causeway, but a steady march along a narrow defile through a perfect tempest of balls. But this was the key to Vienna, and the Marshal resolved to make the attempt—hoping that Lannes, who was to cross some distance farther up, would aid him by a movement on the enemy's flank. The Austrians had foolishly left four battalions on the side from which the French approached. These were first attacked, and being driven from their positions, were forced along the causeway at the point of the bayonet, and on the bridge, followed by the pursuing French. But the moment the French column touched the bridge, those hitherto silent batteries opened their dreadful fire on its head. It sank like a sand-bank that caves under the torrent. To advance seemed impossible; but the heroic Cohorn, flinging himself in front, cheered them on, and they returned to the charge, driving like an impetuous torrent over the bridge.

Amid the confusion and chaos of the fight between these flying battalions and their pursuers, the Austrians on the shore saw the French colors flying, and fearing the irruption of the enemy with their friends, closed the gate and poured their tempest of cannon balls on friend and foe alike. The carnage then became awful. Smit-ten in front by the deadly fire of their friends, and pressed with the bayonets behind by their foes, those battalions threw themselves into the torrent below, or were trampled under foot by the steadily advancing column. Amid the explosion of ammunition wagons in the midst, blowing men into the air, and the crashing fire of the enemy's cannon, the French beat down the gate and palisades and rushed with headlong speed into the streets of the village. But here, met by fresh battalions in front and swept by a

destructive cross-fire from the houses, while the old castle hurled its storm of lead on their heads; these brave soldiers were compelled to retire, leaving two-thirds of their number stretched on the pavement. But Massena ordered up fresh battalions, which, marching through the tempest that swept the bridge, joined their companions, and regaining the village, stormed the castle itself. Along the narrow lanes that led to it the dead lay in swathes, and no sooner did the mangled head of the column reach the castle walls than it disappeared before the dreadful fire from the battlements as if it sunk into the earth. Strengthened by a new reinforcement, the dauntless French returned to the assault, and battering down the doors compelled the garrison to surrender. The Austrian army, however, made good their position on the pine-covered ridge behind the village, and disputed every inch of ground with the most stubborn resolution. The French cavalry, now across, came on a plunging gallop through the streets of the village, trampling on the dead and dying, and amid the flames of the burning houses, and through the smoke that rolled over their pathway, hurried on with exulting shouts and rattling armor to the charge. Still the Austrians held out, till threatened with a flank attack they were compelled to retreat.

There was not a more desperate passage in the whole war than this. Massena was compelled to throw his brave soldiers, whether dead or wounded, into the stream, to clear a passage for the columns. Whole companies falling at a time, they choked up the way and increased the obstacles to be overcome. These must be sacrificed, or the whole shattered column that was maintaining their desperate position on the farther side be annihilated. It was an awful spectacle to see the advancing soldiers, amid the most destructive fire, themselves pitch their wounded comrades, while calling out most piteously to be spared, by scores and hundreds into the torrent. Le Grand fought nobly that day. Amid the choked-up defile and the deadly fire of the batteries, he fiercely pressed on, and in answer to the advice of his superior officer, deigned only the stern reply, "*Room for the head of my columns—none of your advice.*" and rushed up to the very walls of the castle. The nature of the contest, and the narrow bridge and streets in which it raged, gave to the

field of battle a most horrid aspect. The dead lay in heaps and ridges piled one across the other, mangled and torn in the most dreadful manner by the hoofs of the cavalry and the wheels of the artillery which were compelled to pass over them. *Twelve thousand* men thus lay heaped, packed and trampled together, while across them were stretched burning rafters and timbers, which wrung still more terrible cries and shrieks from the dying mass. Even Bonaparte, when he arrived, shuddered at the appalling sight, and turned with horror from the scene. The streets were one mass of mangled, bleeding, trampled men, overlaid with burning ruins. Napoleon blamed Massena for this act, saying that he should have waited for the flank movement of Lannes; but I suspect this was done simply as a salvo to his own conscience as he looked at the spectacle before him. If Massena had *not* made the attempt he would, undoubtedly, have been blamed still more.

This opened Vienna to the French army, and eighteen days after the battle of Aspern was fought. I have already, when speaking of Marshal Lannes, described this engagement. It will be seen by referring to that description that Massena and Lannes were the two heroes of that disastrous battle. They occupied the two villages of Aspern and Essling, which formed the two extremities of the French lines. Could Bonaparte have had another such point of defence in the centre as Wellington had at Waterloo, the fate of the battle might have been different. At the commencement of the fight, Massena's position was in the cemetery of Aspern. Here he stood under the trees that overshadowed the church, and directed the attack. Calm and collected as he ever was in the heat of the conflict, he surveyed without alarm the dangers that environed him. The onset of the Austrian battalions was terrific, as they came on with shouts that rang over the roar of cannon. But Massena calmly stood, and watching every assailed point supported it in the moment of need, while the huge branches above his head were constantly rending with the storm of cannon balls that swept through them, and the steeple and roof of the church rattled with the hail-storm of bullets that the close batteries hurled upon it. The conflict here became desperate and murderous, but never did he exhibit greater courage or more heroic firmness.

He was everywhere present, steadying his men by his calm, clear voice, and reckless exposure of his person, and again and again wringing victory out of the very grasp of the enemy. Thus, hour after hour, he fought, until night closed over the scene—and then, by the light of blazing bombs and burning houses, and flash of Austrian batteries, he continued the contest with the desperation of one who would not be beat. When an advancing column recoiled before the deadly fire to which it was exposed, he would rush to its head, and crying "Forward!" to his men, with his hat on the point of his sword over his head for a banner, carry them into the very jaws of death. In the midst of one most desperate charge, every one of his guard fell around him dead or wounded, and he stood all alone amid the storm that wasted so fearfully where he passed; yet, strange to say, he was not even wounded. But at length, after the most superhuman efforts, he was forced from the village amid the victorious shouts of the Austrians. But he would not be driven off, and returned to the assault with unbroken courage, and succeeded in wringing some of the houses from the victors, which he retained through the night. The next morning, being always ready to fight a lost battle over again, he made a desperate assault on Aspern, and carried it. Again he stood in the churchyard where he so calmly commenced the battle; but it was now literally loaded with the dead, which outnumbered those above whose tombs they lay. But after the most heroic defence he was again driven out, and the repulse of Lannes' column on the centre, soon after, completed the disaster. In the awful retreat of the French army across the Danube in the midst of the battle, Massena exhibited his unconquerable tenacity of will, which disputed every inch of ground as if his life were there. When the victorious Austrians pressed on the retreating army crowded on the banks of the Danube, he and Lannes alone prevented an utter rout. They fought side by side with a heroism that astonished even Napoleon. Lannes fell, but this only increased Massena's almost superhuman exertions to save the army. Now on horseback, while the artillery swept down everything around him, and now on foot to steady the shaking ranks or head a desperate charge, he multiplied

with the dangers that encompassed him. He acted as if he bore a charmed life, and rode and charged through the tempest of balls with a daring that filled the soldiers with astonishment, and animated them with tenfold courage. His eye burned like fire, and his countenance, lit up by the terrible excitement that mastered him, gave him the most heroic appearance as he stormed through the battle. No wonder that Bonaparte, as he leaned on his shoulder afterwards, exclaimed, "Behold my right arm!" For his heroic courage in this engagement he received the title of "Prince of Essling."

Massena was with Bonaparte while he lay cooped up in the island of Lobau waiting for reinforcements, so that he could retrieve his heavy losses. Here again he was the victim of an accident that well nigh deprived him of life. Though he had moved unharmed amid so many conflicts, and bore a charmed life when death was abroad on the battle-field mowing down men by thousands, and exposed his person with a recklessness that seemed downright madness, with perfect impunity; yet here, while superintending some works on the Danube, his horse stumbling he fell to the ground, and was so injured that he was unable for a long time to sit on horseback. There seems a fatality about some men. Massena had more than once fallen from his dying steed in the headlong fight, and moved in front of his column into a perfect storm of musketry without receiving a scratch; and yet in a peaceful hunt, where there was no apparent danger, he lost an eye, and, riding leisurely along the shores of the Danube, was well nigh killed by a fall from his horse. But this last accident did not keep him out of battle. He was too important a leader to be missed from the field. Lannes was gone, and to lose two such men was like losing thirty thousand soldiers.

At the terrible fight at Wagram, which took place soon after, he went into the field at the head of his corps in a calash. Being still an invalid, one of the surgeons belonging to the medical staff accompanied him, as he did in several other battles. It is said, that Massena was exceedingly amused by the agitation of the timorous doctor the moment the carriage came within range of the enemy's batteries. He would start at every explosion of the artillery, and then address some careless remark to the old marshal, as much as to

say, "You see I am not frightened at all;" and then, as a cannon ball went whizzing by, or ploughed up the ground near the wheels, he would grow pale, and turn and twist in the greatest agitation, asking of the probabilities and chances of being hit. The old veteran enjoyed his alarm exceedingly, and would laugh and joke at his fears in great delight. But when the storm grew thick, and the battle hot, his face would take its stern aspect, and, forgetful of the poor doctor by his side, he would drive hither and thither amid the falling ranks, giving his orders in a tone that startled this son of Esculapius almost as much as the explosion of cannon.

On the second day of the fight at Wagram, Massena's troops, after having carried the village of Aderklaa, were repulsed by a terrible discharge of grape shot and musketry, and a charge of Austrian cavalry, followed up by an onset from the Archduke Charles himself with his grenadiers, so that they fell back in confusion on the German soldiers, who also breaking and fleeing overturned Massena in his carriage. He was so enraged at the panic of his soldiers, that he ordered the dragoons about his person to charge them as enemies. But it seemed impossible to arrest the disorder. Spreading every moment, this part of the field appeared about to be lost. Massena, unable to mount his horse or head his columns, chafed like a lion in the toils. Disdaining to fly, he strove with his wonted bravery to rally his fugitive army. It was all in vain, and the disabled veteran was left almost alone in his chariot in the midst of the plain. Bonaparte, in the distance, saw the distress of his marshal, and came at a headlong gallop over the field, pressed hard after by his brave cuirassiers and the horse artillery of the guard, which made the plain smoke and tremble in their passage.

Reining up his steed beside Massena's carriage, Bonaparte dismounted and springing into the seat beside the marshal began to discourse, in his rapid way, of his plans. With his finger pointing now towards the steeples of Wagram, and now towards the tower of Neufriedel, he explained in a few seconds the grand movement he was about to make. Remounting his milk-white charger he restored order by his presence and personal exposure, so that the designed movements were successfully made. Massena commanded the advance guard after this

battle, and pursued the Archduke to Znaym, where the Austrians made a stand. The position was an admirable one for defence, and there was evidently to be a desperate struggle before it could be carried. But Massena advanced boldly to the assault. After various successes and defeats amid the most dreadful carnage; enraged at the obstinacy of the resistance and the frequent recoil of his own troops, he declared his resolution, disabled as he was, to mount on horseback and charge at the head of his columns in person. His staff strove in vain to prevent him. With a single glance at his recoiling columns, he leaped from his carriage and sprung to his saddle. His feet had scarcely touched the earth, before a cannon ball crashed through the centre of the vehicle, tearing it into fragments. If he had remained a moment longer he would have been killed instantaneously. Fate seemed to have a peculiar watch over him in battle, leaving him quite at the mercy of the most ordinary chance when out of it.

In 1810, this "favored child of victory" was appointed to the command of the army in Portugal. With a force of between seventy and eighty thousand men, he was directed to drive Wellington out of the kingdom. The French army was superior in numbers to that of the English, which, after the siege and fall of Ciudad Rodrigo, commenced a retreat. The charge of cruelty and dishonesty against Massena is based chiefly on his conduct in this invasion of Portugal, and subsequent retreat. I do not design to follow him through this disastrous campaign; neither shall I enter here into a defence or palliation of his conduct. That there are grounds for this accusation, there can be no doubt—the palliations of his conduct are to be found in his position; still, there can be no excuse for his breach of faith towards the inhabitants of Ciudad Rodrigo and Almeida.

Probably, Massena, in no part of his military career, exhibited the qualities of a great commander so strikingly as in this campaign. Like the headlong avalanche in a charge—firm as a rock in the hour of disaster—possessed with a power of endurance seldom equaled by any man—he here demonstrated also his great abilities when left alone to plan and execute a protracted war.

It would be uninteresting to go over the details of this memorable pursuit and

retreat. From the first of June to the middle of October, he chased Wellington through Portugal, and for four months and a half crowded the ablest general in Europe backwards until he came to the lines of the Torres Vedras. The English had been engaged on these lines for a year, and they now rose before Massena, an impregnable barrier from which the tide of success must at last recoil. This monument of human skill and enterprise consisted of three lines of intrenchments—one within another—extending for nearly thirty miles. On these lines were a hundred and fifty redoubts and six hundred mounted cannon. This impregnable defence received Wellington and his exhausted army into its bosom, and Massena saw his foe retire from his grasp, and take up his position where his utmost exertions to dislodge him must prove abortive. To add to the security of Wellington, he here received reinforcements that swelled his army to a hundred and thirty thousand men, or more than double that of the French Marshal. To march his weary and diminished army on these stupendous fortifications, defended by such a host, Massena saw would be utter madness. His experienced eye could sometimes see the way to success through the most overwhelming obstacles, but here there was none. Besides the defences which here protected Wellington, there were twenty British ships of the line, and a hundred transports ready to receive the army if forced to retire. Unwilling to retreat, Massena sat down before the Torres Vedras, hoping first to draw Wellington forth with his superior force to a pitched battle in the open field. But the British commander was too wary to do this, and chose rather to provoke an assault on his intrenchments, or starve his enemy into a retreat. Massena sent off to the emperor for instructions, and then began to look about for means to provision his army. For a month the scenes of Genoa were acted over again. The army was reduced to starvation, but still Massena, with his wonted tenacity, refused to retreat. Wellington, in speaking of the position of the French army at this time, declared that Massena provisioned his 60,000 men and 20,000 horses for two months where he could not have maintained a single division of English soldiers. But at length, driven to the last extremity, and seeing that he must either commence a retreat at once,

or his famine-stricken army would be too weak to march, he broke up his position, and began slowly to retrace his victorious steps. Arranging his army into a compact mass, he covered it with a rear-guard under the command of Ney, and, without confusion or disorder, deliberately retired from the Torres Vedras. Wellington immediately commenced the pursuit, and hovered like a destroying angel over his flight. But it was here that the extraordinary abilities of Massena shone forth in their greatest splendor. Not at Aspern, where he fought with a heroism that made him a host in himself, nor at Wagram, nor at Znaym, did he display such qualities as a great military leader as in this retreat. It will ever stand as a model in military history. He showed no haste or perturbation in his movements, but retired in such order and with such skill, that Wellington found it impossible to assail him with success. Taking advantage of every position offered by the country, the French Marshal would make a stand till the main body of the army and the military wagons passed on.

Thus for more than four months in the dead of winter—from the middle of November to the first of May—did Massena slowly retreat towards the frontier of Portugal. At Almeida he made a stand, and the two armies prepared for battle. Wellington was posted along the heights opposite the town. Massena commenced the assault, and fell with such vehemence on the British that they were driven from their position in the village of Fuentes d'Onoro. A counter-charge by the English retrieved a part of the village, and night closed the conflict. Early next morning Massena again commenced the attack, and in a short time the battle became general. So severely was Wellington handled, that he was compelled to abandon his position and take up another on a row of heights in rear of the first. In his retreat he was compelled to cross a plateau four miles in breadth which was perfectly curtained in with French cavalry. Making his left wing a pivot, he swung his entire right in admirable order across the plateau to the heights he wished to occupy. None but English infantry could have performed this perilous movement. Formed into squares, they moved steadily forward while the artillery of Ney was thundering in their rear, and his strong columns rolled like a

resistless torrent against them. Those brave squares would at times be lost to view in the cloud of the enemy that enveloped them, and then emerge from the disorder and smoke of battle without a square broken, steadily executing the required movement on which the contest hung. Had they given way, Wellington would have been lost. The English infantry, as heavy troops, are the best in the world, and the English commander knew he could trust them.

It was during this day that three regiments of English soldiery met the Imperial Guard in full shock, and both disdaining to yield, for the first time during the war bayonets crossed, and the forest of steel of those two formidable masses of infantry lay leveled against each others' bosoms. The onset was made by the British, and so terrible was the shock that many of the steadfast Guard were lifted from the ground, and sent as if hurled from a catapult through the air. The clatter of the crossing steel and the intermingling in such wild conflict of two such bodies of men, is described as being terrible in the extreme.

At night the English were forced back from all their positions; but the new stand Wellington had made was too formidable to be assailed, and after remaining three days before it Massena again commenced his retreat. This ended the pursuit, and Massena fell back to Salamanca, having lost since his invasion of Portugal more than a third of his army.

The cruelties practiced during this re-

treat have given rise to severe accusations on the part of the British. But it remains to be shown, before they can be made good, that these were not necessary in order to harass the enemy. All war is cruel; and the desolation and barrenness that followed in the track of the French army, wasting the inhabitants with famine, were a powerful check on Wellington in his pursuit. The sympathy of the inhabitants with the English doubtless made Massena less careful of their wants and sufferings; but his barbarity has been greatly exaggerated by Walter Scott, and other English historians. The track of a retreating and starving army must always be covered with woe; and one might as well complain of the cruelty of a besieging army, because the innocent women and children of the invested town die by thousands with hunger.

We have already spoken of Massena during the Russian campaign, and the three hundred days that preceded the campaign of Waterloo.

In 1816 the old marshal was accused in the Chamber of Deputies of plotting a conspiracy to bring back Napoleon. He indignantly and successfully repelled the charge, but the blow it gave his feelings hastened, it is thought, his death; and he died the next year at the age of fifty-nine.

Massena had two sons and one daughter. The daughter married his favorite aid-de-camp, Count Reille. The eldest son having died, the second succeeded to the father's estates and titles.

THE SALEM WITCHCRAFT.

It is interesting to trace the progress of the British mind from one superstition to another, until it was fully prepared to embrace the belief that the arch-enemy of man not only could, but actually did, make his appearance in the human shape, and impart to the wretch who had entered into an agreement with him power to do many supernatural things in consideration of his soul. We find the word "witch" in the sacred writings in several places; but it is always mentioned in connection with sorcery, false-propheying and conjuration, or used by way of substitution for one or all of those terms. The English and Scotch mind seems always to have been exposed to a belief in a great variety of spirits. It is both pleasant and instructive to see how these creations of superstitious fear and versatile imagination have gradually lost their distinct personalities, and blended with each other new shapes, like geological changes repeatedly wrought upon the same atoms of matter. If you look back to the time so delightfully delineated by Spenser in his *Faerie Queen*, you find merry England haunted in all her dells with Fays and Fairies, dancing on the green sward in graceful circlets, taking care of the interests of the cleanly housewife, or inflicting the most vexatious injuries upon those who were negligent; causing many a lady to pine for the love of a knight, while the same knight was threading the mazes of some interminable forest, himself almost dying of grief from having mistaken the sentiments of the lady. We have also the gnomes, a people living under ground, and the dwarfs, a pigmy people, whimsical, and more generally malicious. Then come the grim, ghostly apparitions of the dead, "visiting the glimpses of the moon, making night hideous." All these creations of the imagination, becoming at length masters of the national mind, and associated with certain texts of Scripture not well understood, gave birth to that monster scourge of the nations, who, under the name of "witch or wizard," held dark and damnable communion with the powers of evil. This superstition our New England ancestors inherited. We do not intend to blame or exculpate the early settlers for doing

what we should have probably all of us approved had we been of their number, but we propose to make a brief historical recital of one of the most sudden and awful tragedies that was ever acted over in the presence of an excited multitude, who were as unfit at the time of distinguishing between the natural and the supernatural, or of weighing human testimony, as the tenants of a madhouse. Every child has heard of the Salem witchcraft, but the story has, from a variety of motives, been told so variously that many people grow up to adult years without forming any correct idea of the moral and philosophical causes that have made it part of our history.

At the close of the year 1691, Mr. Paris, pastor of the church in Salem village, discovered the most unusual symptoms of illness in his daughter, a girl of nine years old, and in his niece of eleven, who then resided at his house. Physicians were called in, but were not able, after the most careful examination of the patients, to give the disease a name, much less to stay its ravages. At last one of them, possibly from professional vanity, mistook, or affected to mistake, the disease for the work of Satan—a very commodious way, in those days, of turning one's ignorance to a good account. They were said to be under an evil hand—they were "bewitched." Mr. Paris had also in his family an Indian and his wife, who, suffering from the common alarm, had recourse to a spell, in order, as they said, to find out the witch. But this attempt did nothing more than to attract the notice of the afflicted, who, in the phrase of the time, "cried out upon them," as being murderers—the witches whom they pretended to seek. They charged the accused with making the most malicious and fiendlike attacks upon their persons; that they pinched, pricked and tormented them; and that they came and went at will, visible only to these unhappy girls, although many others were present with eye-balls dilated to behold them. The public mind was by this time in a high state of ferment; the neighbors were called in, judicious friends were consulted, and, as a final resort, the clergy of that vicinity were sent for.

The result of all this consultation was only to confirm the first opinion.

Shortly after, a public meeting of examination was held in the village. Then followed days of humiliation and public prayers, both in Salem and the neighboring congregations. Following directly upon this was a general fast appointed throughout the colony, "to seek the Lord," (we quote the language of Cotton Mather,) "that he would rebuke Satan, and be a light unto his people in the day of darkness." Other children, finding how well their little playmates had succeeded, and into what a delightful notoriety they had brought themselves, now came forward to sustain the charge. They confirmed whatever had been previously alleged, and implicated several other persons in the accusation, besides making some very important amendments to the first edition of the story. At length Tituba, the Indian woman, from a credulous superstition to which the religion of her tribe had predisposed her, or more probably from a desire to free herself of the oft-repeated accusation, confessed that she was a witch; that she had aided two others in tormenting the afflicted; and that with sundry others whose names she did not know, she had held witch meetings, at which things alike unlawful and unnatural were done in the open fields, under cover of night. On this confession Tituba was, with her companions, committed to jail. While there, she not only repeated this confession, but also declared that she was herself tormented by the spectres of those whom she had involved in the crime. Marks and moles were also found upon her person, supposed to be marks where the devil had wounded her. Others, intimidated by threats, or lured by the hope of being again suffered to go at large, were thus induced to confess. These confessions amounted to fifty in number. Increase Mather was then agent for the Colony, under King William; and at his appointment a special commission was given to some of the ablest jurists of the Colony, who were thereby constituted a court, to try all persons who were or should be accused of this horrible crime. Lieut. Governor Stoughton was appointed chief justice. On the 2d of June, 1692, they met at the court-house in Salem, by special appointment, tried and executed one woman, and then adjourned. The court again convened on the 30th of the same month; and as the result of this

session, five more ancient women were hanged on the 19th of July following. August 5th, the court again set, and convicted four men and one woman, who were hanged on the 19th of the same month. Five men and six women were executed on the 22d September following. Eight men were condemned who were not executed, for reasons which by and by will be explained.

There were three successive special courts, with a jurisdiction confined solely to capital cases, held at one town in the little space of two months, pouring out human blood like water, under the sanction of the English law, with the aid of a jury, with the warrant, and, let us add, *conscientious* approval, of their fellow citizens. And what were the proofs upon which they were thus ushered from a tribunal of fallible mortals into the presence of the Judge of all the earth? Were they legitimate proofs? Far from it. By the laws of England applicable to other cases, every accused person may, if he can, prove that he could not possibly have committed the crime alleged against him, by proving what is called an alibi—that is, by introducing satisfactory evidence to show that he was personally absent from the place mentioned in the indictment, at the time when the crime is alleged to have been committed; and the jury, upon such facts, will find him "not guilty." But how different the rules of law applicable to the crime of witchcraft! Imagine yourself arraigned before Lieut. Governor Stoughton and his fellow justices. You are put to plead. The accusers appear. They are children scarcely old enough to know the obligations of an oath. They hold up their small right hands in presence of God and men, and swear that what they are about to say shall be nothing but the truth. They then proceed to tell the jury how you have stuck pins into their bodies, pinched their flesh until it was black and blue, and fastened a rope around their necks for the purpose of destroying them. It is in vain that you offer to prove yourself absent when the supposed injuries were done; the merciless little accusers asseverate that if not present bodily, you was there by your *agent*, that is, by your spectre, or imp; and as you cannot deny what others saw, you are perhaps half inclined to believe that Satan has taken your shape, and clothed it, for his own purposes, with his own attributes. But if you are like-

ly to escape from this species of testimony, you are confronted by one still more appalling. There rises up to condemn you a haggard, toothless beldame, and fixes upon you the fiendish eye of malice and revenge. She is a confessor. You recognize in her a personal enemy. She accuses you of being a laborer with her, in the incantations and spells of the arch-destroyer of mankind. She describes the place where she met you on the common, at the hour of midnight. Every circumstance is minutely detailed of the entrance of each one of the ghostly company, and the conduct of this strange medley of mortals and fiends. The devil himself is present to preside over the meeting. After proper obeisance made to him, he produces his immense black book, in which are recorded the names of those who are members of his infernal church.

The blaspheming imitator of the rites of the church militant opens the book, and calls you by name to step forward and sign. You make a slight incision in your right arm with a knife, or other small instrument, and, with the life-current warm from your heart, you forswear all allegiance to the Author of your being, and for the consideration of a temporary power, seal in blood your irrevocable doom. Perhaps you are old, and burdened with the weight of fourscore winters—so much the worse for you. If you lean against the bar in front of which you have pleaded, half a dozen witnesses cry out in one breath that the whole weight of your body is pressing upon their ribs. Move your foot, and suddenly they swear that they are trodden upon. Frown on them with a brow of indignant, insulted innocence, and they set up a wild scream at sight of the spectre that glares in your eye. Supplicate the mercy of the court, and in spite of the staff of the sheriff the crowd will hiss at you. Call God to witness that you are guiltless, you are rebuked on the instant as a blasphemer of His name. Turn where you will, that superstitious credulity which has made even wise men mad, has no sympathy for you. You are a victim. Perchance, by this time, you have begun to think that without your privity the devil has actually assumed your shape; and when the magistrate asks you, "Is not that your master? how comes your appearance to hurt these?" you can only answer, as poor Susannah Martin did, "How do I know? He that appeared

in the shape of Samuel, a glorified saint, may appear in any other shape!" A single instance which I will relate, shows the full extent of this dreadful epidemic. Rebecca Nurse, an unfortunate old woman, was arraigned for this crime; but the jury did not think the evidence sufficient to commit her, and brought in a verdict of "Not Guilty." As soon as the foreman pronounced the verdict, the malignant accusers uttered a wild outcry in open court. The people present shouted their disapprobation; and the intimidated judges yielded to the popular voice. One of them reprimanded the jury in terms of the most indecent violence. Even Chief Justice Stoughton so far stooped from the dignity of his office, as to tell them that they had left unnoticed an important part of the testimony. In the progress of the trial, Goodwife Hobbs, who had confessed that she was herself guilty, was led forward as a witness. As she came into the court room, Rebecca turned around and exclaimed with surprise, "What, do you bring her? She is one of us!" After some comments upon this part of the evidence by the judge, the jury again retired, and in a few minutes returned a verdict of "Guilty." Soon after conviction, she sent to the judges the following epistle: "These presents do humbly show to the honored Court and Jury, that I, being informed that the jury brought me in guilty, upon my saying that Goodwife Hobbs and her daughter were of our company; but I intended no otherways than as they were prisoners with us, and therefore did then, and yet do, judge them not legal evidence against their fellow prisoners. And I, being something hard of hearing, and full of grief, none informing me how the court took up my words, and thus had no opportunity to declare what I intended, when I said they were of our company. Signed, Rebecca Nurse." But this explanation availed her nothing. She was executed shortly after her conviction. Before execution, she was excommunicated from the church. There is a provision in the English law, that where an accused refuses to plead, he shall be laid upon his back, on the floor of his cell, and sustain a heavy weight upon his chest, until he will consent to plead. This harsh torture is applied to his body, if he remains obstinate, until the victim dies. Giles Cory, then eighty years of age, an exemplary Christian, was in obedience to this rule pressed to death. The trial of Mrs. Mary

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Easty is a painfully interesting example of the madness of superstition, when once it has pervaded the masses. She was of a good family, and possessed of a gentle, amiable spirit, united to a firmness that would allow her to sacrifice anything sooner than integrity of conscience. She was comparatively young, and of a pleasant personal appearance. She also had a husband and children, who seem to have entertained for her every sentiment of domestic and filial affection. After her conviction, she wrote a letter to the judges, of which the following are brief extracts: "I question not, but your Honors do to the utmost of your powers, in the discovery and detecting of witchcraft, and would not be guilty of innocent blood for the world. But by mine own innocence I know you are in the wrong way." Again she says, "I petition to your Honors, not for mine own sake, for I know I must die, for my appointed time is set; but the Lord he knows, I do it that if it be possible, no more innocent blood be shed; which undoubtedly cannot be avoided in the way and course you go in."

What a beautiful example of the great law of Christian forgiveness, yet what an awful, unanswerable rebuke! What a calm, intellectual atmosphere she breathes, as free from the violence of passion as it is remote from the sullenness of despair. While inured to the common belief in witches and witchcraft, yet strong in the consciousness of a guiltless heart, she turns her eye upwards, to forget, in the contemplation of higher attributes, the bewildering cry of her accusers. Then comes the parting scene between the matron and her husband, and her children. The same dignity pervades her conduct at the scaffold. She dies, as if she were a lovely embodiment of the charities of the New Testament.

When the delusion raged at its intensest heat, every rule of law applicable to the admission of evidence was dashed aside by the triers, as in contempt. Even Justice, who is supposed to preside over the deliberations of courts, seemed suddenly to be hurled from her seat, by an unseen, malignant hand. Sometimes little children, not more than five years old, were arrested and imprisoned, until they confessed themselves guilty, and charged their fathers and mothers of participating in the crime. These confessions, thus extorted, were used on the trials as good legal evidence upon which to convict and hang the parents. Thus the little

unfortunates were not only deprived of their natural guardians, but were forced to become parricides. There is more than one instance of this sort on record. We have seen that the accusations were at first directed to people in very humble life, more geneally of infirm health and declining years. A miserable old woman, too poor to have the common comforts of life at her command, fretful perhaps, and turbulent, on account of the squalid desolation of her house, negligent in attire, with tangled uncombed hair, attenuated almost to a skeleton, hooted at by boys in the street, driven away from the door of competence with untender words, perhaps with menacing gestures, becomes at last, as is most natural, a railer against the very form of human nature, and thus suffers herself to live a common enemy of mankind. As good occasion offers, she whispers in the ear of a confidant (for even want and sorrow have a confidant) her belief that certain neighbors of hers will one day be humbled—that they may even have to make companionship with herself. This confidant proves a betrayer. The indignation of several of the most influential men and women in the parish is thus called down upon her head. At last the horrid issue is joined: she curses them, and they stamp on her wrinkled forehead the brand of "witch." She is tried and hung. This emboldens the accusers, while it strikes terror into the heart of the multitude. Then the fires of persecution are kindled. Now, perhaps, in the neighborhood there is to be found some unhappy victim of insanity. Her heart, once alive to every generous, humane feeling, has fallen a prey to brooding melancholy, or hereditary nervous disease. The world is no longer to her what it once was, a mirror reflecting the portraits of bright thoughts, and delightful memories, but a bleak, blank wilderness of woe. Now she raves, and now again, in a moody fit of fantasy, she steals away at evening to some secluded spot. Suspicion takes the alarm. The wretched woman grows wild. The charges made against her take possession of her imagination. She covets supernatural power. The voice of madness seems the voice of Satan. She believes, she confesses; and the popular frenzy has now gained its second stage of elevation. It now assails the first ranks of society. The security of the hearth is invaded; the tenure of human life becomes solely dependent on the capricious forbearance

of a mob; the whole framework of human government begins to totter to its fall. Then comes the revulsion. The instinct of self-preservation comes to the rescue, and the hand of the destroyer ceases from its work. Such was the case in the present instance. Mrs. Hall, wife of the minister of the first church in Beverly, was at length "cried out upon." She was a lady of high mental cultivation, and had won so spotless a reputation for the practice of every Christian virtue as to be inaccessible to attack. The public were satisfied that her accusers had perjured themselves; and, as if by the snapping of a wand, the desolating spell was broken. Walking spectres, imps in the shape of cats, spiders and crows, the fascinating charm of the evil eye, the sound of flitting wings by the bedside, the shapes that darkened the mazes of the diabolical dance at night on the public common, fled from the affrighted imagination of the people, in a moment;

"And clouds and envious darkness hide
Those forms not doubtfully descried,
Their transient mission o'er.
Oh, say, to what blind regions flee
Those shapes of awful fantasy—
To what untrodden shore?"

Let us now inquire, who were the agents in the work? We have already said that the first intimation of it came from a physician. It has further appeared in this brief sketch, that the civil authority helped to hurry forward the excitement by departing from the allotted forms of trial, in a manner highly indecorous; by severe cross-examinations; by imposing upon the credulity of the jury; by doing violence to the simplest rules of evidence. William III. was then the reigning monarch, and Somers was at the head of affairs. Perhaps we need not say that the disposition of William towards the colony of Massachusetts was far from favorable. He took away the old charter, under which the governor was appointed annually, and had been only one among many magistrates, and substituted a charter by the provisions of which that officer held his term during the King's pleasure, and could adjourn, or even dissolve, the legislature at his will. The new charter went into effect in the year 1691. Increase Mather was selected to make the first nominations, and he nominated Sir William Phipps. Perhaps Cotton Mather, the son of the agent, procured the appointment of Wm. Stoughton to the

place of Deputy Governor. Mr. Bancroft, who is more ready to cry "priestcraft" than he is solicitous to find out the facts as they actually existed, thinks he has found the darkest meaning in a certain passage of Cotton Mather, that seems to common observation to be perfectly harmless. The passage is this: "The time for favor is come, yea, the set time is come! Instead of being made a sacrifice to wicked rulers, my father-in-law, with several related to me, and several brethren of my own church, are among the council. The governor of the province is not my enemy, but one whom I baptized, one of my own flock, and one of my dearest friends." By way of comment on these words of Mather, Bancroft says, "And uttering a midnight cry, he wrestled with God to awaken the churches to some remarkable things." Language of this indecent, not to say blasphemous sort, is not only beneath the dignity of a historian, but it is below the breeding of a gentleman. The writer would have us infer, from what he says, that Mather was instrumental in these nominations for the sole purpose of instigating the government to the prosecution of witches; but he speaks without authority, as he speaks without reason. In mercy's name, is not the truth bad enough, without steeping it in prejudice, and coloring it with imagination? From what can be known of the character of Cotton Mather from his writings, Mr. Bancroft either does not understand, or does not see fit to delineate it, as he best might. Cotton Mather, with many eccentricities, was truly a man of high intellectual endowments. It is not extravagant to say, that he was essentially a man of genius. He had been carefully educated, and had inherited from his father some of the strongest and most pointed traits of the New England character. He was, according to the institutions of the colony, a clergyman. He had strong local attachments, strong feelings, strong prejudices. You might call him an opinionated man, and perhaps he was a good deal inclined to be dogmatical. It is fair also to say, that he was a vain man. Possibly, if we follow Isaac Taylor's definition of the word, he might have been a fanatic. He loved with a jealous zeal the church of which, at that time, he was the champion. But the leading characteristic of his mind, was an overpowering, enthusiastic imagination. Through this sometimes misty medium

he saw everything. It was impossible for him to take a middle ground. He was an ardent man, always the last to give over the chase. One could no more stay him in the pursuit of any object, than he could avert the hand of death. His was not a well-balanced mind. Sometimes he was imposed upon by the simplest artifice; at others, he seemed to be hurried forward with the impetuosity of madness.

His vanity, so much flattered by the deference shown him by the accusers, led him into the pursuit; his love of the church, which he supposed to be threatened, seemed to beckon him on; and the pride of opinion, which made him do many things that had need to be repented of, heated by the imaginative faculty, and associated with a headlong will, whirled his reason around in convulsive circles, until it was dizzy almost to blindness!! But when we come to accuse him of violating his conscience, in the part that he took in that transaction—when we raise the cry of “priestcraft,” and intimate that this worthy divine was willfully guilty of bloodshed—we speak more like atheists of the French Revolution school than like Christian historians. The divines of many of the churches were, doubtless, guilty of encouraging the delusion; but they were only fellow-laborers in the common field with the civil authority, with the people of the colony, with the young and old, the learned and ignorant. The fact that children of very tender age were the first to be afflicted with witches and the first to accuse, has puzzled the heads of many who have pondered upon this gloomy page of our history. How could they, it has been asked, have been so perverse and malignant as to perjure their souls for the sake of bringing ruin to the doors of the innocent? How could they have been ingenious enough to invent so many stories, with so many nice details, and such well-adjusted parts? But who does not know that childhood is the period, of all others in human life, for story-telling and romancing? Or what person, who has known anything of the subterfuges and deceitful artifices to which these little miniature actors of human nature are constantly resorting, has not formed his observation corresponding precisely with the declaration of Scripture, that we “*go astray as soon as we are born, speaking lies*?” That curiosity and love of excitement so indigenous to the mind would of itself be

motive enough to set them at work. An uninstructed child has very little care what may be his duty, if only the occasion presents itself of employing his faculties. He is a creature of fun, of impulse, of exploits. He feels and acts; but his moral sense is scarcely yet printed on the verge of his being. After some roguish boy or playful girl had once commenced the excitement, other children would believe what their less credulous neighbor had feigned, and terrified by the fears of their parents, perhaps, or vexed with troublesome dreams, or frightened at the sight of a black-plumaged bird, would fancy that the very air was filled with imps, that were working the will of some neighbor witch. It seems to be, therefore, the most natural thing in the world, that children should be the first to cry out that they were afflicted. Is any one shocked at this recital, as reflecting shame upon our ancestors? He ought not to make up an opinion unfavorable to their virtue, before considering carefully the circumstances in which they were placed. It was a period among the darkest that ever had threatened the white population of New England with total destruction. They were in the midst of a gloomy forest. The shades of an inhospitable wilderness were around them. They might almost literally be said to make their home with the wild beasts. Tribes of implacable, savage men, who had the advantage of a minute acquaintance with all the modes of the warfare of the woods, whose hearts swelled with the sense of real or imagined wrongs, sought every opportunity to wreak their vengeance in burnings and scalplings. Pestilence was daily thinning their numbers. Famine was setting the marks of sorrow deep in the faces of the poorer classes; grim war was closing, like a fiery circle, around their borders. We cannot form an adequate idea of the terror with which all these exciting causes filled the public mind. It could not have been far short of delirium. The reader will be pleased to remember, too, that they were implicit believers in the Scriptures, which recognize the repeated interference of Satan in human affairs. For the religion taught in those writings they were ready to make every sacrifice. Perhaps they misapplied, but they were honest in the misapplication of, that text which says, “*Thou shalt not suffer a witch to live.*” At any rate, in their excited state of mind, it is not remarkable

that, in turning to the Bible as their only refuge, they should find it to answer but darkly to the hasty glances of a troubled eye. They had always been a jealous people; particularly suspicious of the father of lies. What more natural, than that they should attribute much of this mischief to such a source? There is another question, somewhat delicate, to treat of, which cannot be omitted; that is to say—was this series of persecutions peculiar to the religious tenets of the inhabitants? People have entertained various opinions upon this question. We will very briefly express our own, by the aid of a few historical examples. Few executions for this crime could be expected to occur under the ordering of the Romish Church, because the priesthood would, in limiting the punishment to the secular power, have given up something of prerogative, and also have lost that lucrative source of revenue, growing out of exorcism fees. But we are not to infer at all, that this superstition did not rage in the atmosphere of the Catholic church. So far from it, the delusion was encouraged, rather than checked, by many of the priests. In the year 1541, to gratify the fears of Henry VIII., a statute was passed against false prophecies, conjuration and witchcraft. But this statute made witchcraft punishable only when connected with its consequences. In the year 1562, another statute was passed, making witchcraft penal in itself, irrespective of its consequences. But this statute only made the offence punishable by the pillory. In 1562, the statute of Elizabeth was passed, but was not severe; but in the first year of James the First's reign, a statute was passed, declaring the crime to be felony, without benefit of clergy.

Under this bloody act, in which the parliament submitted to the whims of the sovereign, many executions took place in England; and under its sanction took place that awful tragedy in Massachusetts. Now, to show that this delusion is not peculiar to the dissenters, we have but to consider, that the Puritans who condemned their citizens to the halter, and the king who wrote with his own hand the statute under which these condemnations were had, were directly opposite in their religious views. The Puritans were a humble dissenting people, who had thrown off the oppressive burdens of tithes, and ecclesiastical monopolies, and left the land where they were

born, from their horror of the odious features of the feudal system, and of the king, who was its representative. James, on the other hand, was a proud monarch, born to prerogative, a believer in the divine right of kings, a prop of the established church, and such a hater of the Puritans that he was determined (to use one of his not very classical expressions) "to harry them out of the land." There is a case in the English annals, of singular interest, called the case of the three witches of Warbois. An ingenious English writer, in speaking of it, says:

"Indeed, this story is matter of solemn enough record: for Sir Samuel Cromwell having received the sum of forty pounds, as Lord of the Manor, out of the estates of the poor persons who suffered, turned it into a rent charge of 40 shillings a-year, for the endowment of an annual lecture on the subject of Witchcraft, to be preached by a Doctor of Divinity, or Bachelor of Queen's College. The accused were, one Samuel and his wife, and their daughter. It seems that a daughter of a Mr. Throgmorton, who had the misfortune to see goodwife Samuel in a black net cap, and being of a vamping turn, took it into her head to be afflicted at the sight of her, affirming that she was a witch. Miss Throgmorton was a romantic little lady, and introduced on the stage, to the great fright of her parents, nine imps, which, with the aid of two or three of her sisters, she made respond to her voice, and do a great many agreeable things. The names of seven of them were Pluck, Hardname, Catch, Blue, and three Smacks, who were cousins. One of the Smacks (of course the handsomest of the trio) manifests the gallant, lover-like traits of his character, by doing battle with the other spirits, for the love of the elder Miss Throgmorton. The following dialogue introduces Smack, fresh from the blood of the combat, to his delectable sweetheart:

Lady. Whence come you, Mr. Smack, and what news do you bring?

Smack. I come from fighting with Pluck; the weapons, great cowl-staves—the scene, a ruinous bakehouse in Dame Samuel's yard.

Lady. And who got the mastery, I pray you?

Smack. I have broken Pluck's head.

Lady. I would he had broken thy neck.

Smack. Is that the thanks I am to have for my labors?

Lady. Look you for thanks at my hand? I would you were all hanged up together, with your dame for company; for you are all nought."

After this rebuff, Smack, like a sensi-

ble lover, retreats as fast as his limbs can carry him. Then enter the rest of the actor spirits, and go through their parts most tragically, limping, and screeching, and making exhibitions of bloody noses, to the utter discomfiture of reason and common sense. The girl was probably in love with some ideal divinity, and took this strange, fanciful way, of showing that her mind had passed under a temporary eclipse.

It will be seen that the gentleman presiding over the trial of these poor people was acting under the authority of the English government, and under the sanction of the established church; and we mention it for the purpose of showing that these phenomena of which we are discoursing, are not peculiar, as some have pretended to suppose, to the puritan dissenters. We might make instance of a good many other cases, as that of Amy Roberts and Rose Callender, where the great and good Lord Hale was presiding justice, and that pattern of learning, Sir Thomas Brown, was called on the stand as a witness to sustain the prosecution, and overawe the jury by the splendor of his genius, and the authority of his name. We might recite the well-known fact, that the circumstances attendant on this trial were most affecting, and its consequences most fatal. But we do not wish to multiply examples. Enough has been said to convince the unprejudiced, that irrespective of all religious tenets, in defiance of all monarchical and republican institutions, this morbid demon, Superstition, in an age of comparative mental darkness, has uplifted its unseemly form, as if from the earth, and after having wielded for a little while its iron sceptre, has melted into the dawn of a more auspicious day. All nations have shed innocent blood. France has persecuted for witchcraft. The New England colonies (among which Connecticut is to be named) have done the same, after the example set them by the laws and practice of the mother country. Scotland, Wales, Germany, Italy, Spain, all plead guilty to the indictment.

Writers who ought to know better, have said that the Salem delusion was

the most destructive of any which history records. Before we close, therefore, it is proper to allude to the visitation supposed to have been made by the Devil to the inhabitants of the little village of Moheba, in Elfland, a province in Sweden. It deserves to be mentioned the more, that a special tribunal was appointed, consisting of commissioners, to try these cases, just as a special court was ordained in Salem for a like purpose. In Salem, and in Moheba, the accusations both originated in the stories of roguish or silly children. The Swedish tale, however, in consonance with the character of that poetical people, is much more beautiful and imaginative than the sombre creations of the New England mind. Instead of a black man, with a large, grim-looking book, written all over with bloody characters, in place of the sacrament on the public common, his Satanic majesty is introduced in the guise of a Merry Andrew. The place of meeting is the Hartz forest, so consecrated by the classic fancy of Goethe; and the exercises, though sufficiently ghostly, are much more inviting than those that took place in Salem. The same reckless swearing, the same perversion of testimony, the same vindictive frenzy, characterized both. In the Swedish town seventy persons, of whom fifteen were children, were led to execution—a destruction of life more than three times greater than that which was made on a much larger extent of territory in New England. Such is a very imperfect sketch of one of the most interesting phenomena of our history. To the honor of New England men be it said, that they did what no other people have ever done: as soon as they saw their error, they made such atonement as they could, by asking the forgiveness of the sufferers, and by humbling themselves in fasting and prayer, at the feet of that Providence whom they had unwittingly offended.

Let him who never bowed the knee to folly, nor worshiped an idol which his better reason taught him to dash to the earth, be the last to pity, and the first to condemn.

BIOGRAPHICAL NOTICE OF MR. JUSTICE STORY.

THE great men of a country form the most valuable part of its possessions. They are the sources of its truest pride, and from them are drawn its best claims to honor and remembrance. Without them, material prosperity has no dignity, and commands no respect. Without them, the history of a nation has nothing that quickens, elevates or inspires; nothing that kindles the mind with an emulating glow. It is a dead level of monotonous mediocrity, with no land-mark minds to arrest the eye, and stamp their own character upon the region around them. And in proportion to the value of great men should be our sense of their presence when living, and our memory of their services when dead. We should honor them by respect, by observance, by imitation, and by regret. We should gather up the fragments of their lives and conversation, that nothing may be lost. We should preserve and record all that was most striking in their minds and characters with religious care.

Among the great men of our country, the subject of this biographical notice claims an honorable place. He was great in the extent of his capacity, in the vastness of his attainments, in his devotedness to duty, in his wide and various usefulness, in the elevation, purity and simplicity of his character, and in the moral thoughtfulness which pervaded his whole life. It is good for us to dwell upon the life, the services, of such a man. He deserves well of his country who diffuses among its people a knowledge of what he was and what he did.

Joseph Story was born in Marblehead, in the State of Massachusetts, on the 18th day of September, 1779, and was the eldest child of a second marriage. His father, Dr. Elisha Story, was one of the Whigs of the Revolution, and formed one of the memorable band who destroyed the tea in Boston harbor. He served as surgeon in the Revolutionary army, and subsequently engaged in the practice of medicine, with distinguished success, till his death, which took place in 1805. His second wife, the mother of Mr. Justice Story, is still living, at a very advanced age, in the full possession of all her powers of mind and body, to feel

grateful for the gift of such a son, and mourn over that decree of Providence which has called upon her to perform those last sad services for him, which, in the course of nature, he should have performed for her.

His childhood and early youth passed by without any noticeable events. He was prepared for college in his native town, and entered Harvard University in 1795, half a year in advance. His collegiate life was, in all respects, highly honorable to him. He was a diligent and faithful student of the prescribed course, and found time, in addition, to range over a wide field of English literature. He fell into none of the moral dangers incident to the place, and to his period of life. His cordial, simple and affectionate nature made him a general favorite with his class-mates, among whom were Dr. Channing and Dr. Tuckerman—names so widely known and so highly honored—both of whom have gone before him “from sunshine to the sunless land.” He was graduated, with distinguished honors, in 1798. The profession of the law had been his early and only choice, and immediately after leaving college he entered upon its study, first at Marblehead, in the office of the late Chief Justice Sewall, and afterwards at Salem, in the office of Mr. Justice Putnam. He studied the law with vigorous assiduity, and that ardor of purpose which was so conspicuous a trait in his character through life. Having completed his probationary studies, he was admitted to the bar in 1801, and commenced the practice of the law in the town of Salem.

The stormy politics of that period are fresh in the memory of many persons now living. The democratic party had triumphed in the national election, and seated its chief, Mr. Jefferson, in the Presidential chair, though many of the States, and Massachusetts among them, were still ruled by Federal majorities; and in these States the struggles for political supremacy were particularly vehement and impassioned. Mr. Story took his place in the ranks of the democratic party. The explanation of this step is to be found in his ardent temperament,

his want of experience, his consequent over-estimate of the virtue of man, and ignorance of the disturbing influences of passion and selfishness. His democracy was the dream of a young and pure mind, glowing with visions of an ideal Commonwealth, which were to be realized by the removal of all restraints, and by leaving men free to indulge their natural impulses. He formed his judgment of these impulses by the generous promptings of his own breast; and were all men what he at that time imagined them to be, and what he himself was, democracy is the creed which the old would approve and the wise would embrace. The Federalists were at that time, as we have before said, the predominant party in Massachusetts, and nearly all the men of wealth and influence in Salem were of that political faith. Of course, the unpopular politics of Mr. Story exposed him to mortifications and neglects which were sufficiently wounding to his sensitive and sympathetic nature. Such, however, was the force of his industry, his capacity, his attention to business, and his cordial and attractive manners—so general was the conviction of the sincere conscientiousness of his views, that the rigor of political prejudice began gradually to be relaxed in his favor. He gathered around him good clients, and, what was better, good friends.

In 1805, he was elected one of the Representatives of the town of Salem, in the Legislature of Massachusetts, to which office he was annually reelected till his appointment to the bench. His professional reputation, his industry, his tact in the management of business, and his powers as a public speaker, soon made him the acknowledged leader of his party in the House of Representatives; and, in this capacity, he was called upon to defend the embargo policy of Mr. Jefferson, in 1808, against the resolutions of the Federal party, supported by a great weight of talent and influence, and especially by the distinguished abilities and honorable name of Christopher Gore, then in the fullness of his powers and at the height of his reputation. The gallant manner in which Mr. Story discharged this difficult trust extorted the admiration of his political opponents, and is still well remembered by many who witnessed his efforts.

He was not, however, the slave of party, and the manly independence he showed, on more than one occasion, is a

proof that the democracy of a former age was not, in all respects, like the democracy of our times. In 1806, a vacancy occurred in the office of Chief Justice of the Supreme Court of Massachusetts. The unrivaled legal eminence of Theophilus Parsons, at that time in extensive practice in Boston, made it highly desirable, on public grounds, that he should receive the appointment, and it was accordingly tendered to him. He consented to take it, but only upon condition that the salary should be made honorable and permanent, as the compensation previously allowed to the judges had been neither the one nor the other. The democratic party were then in power in Massachusetts, and it was well understood that the proposed change would encounter strong opposition from them, both because they were no friends to the judiciary, and because Mr. Parsons was peculiarly obnoxious to them, as an uncompromising Federalist, whose powerful talents were always at the service of his party, in the hour of need. But the proposition met the cordial approbation of Mr. Story. As a lawyer, he was able to appreciate the eminent legal abilities of Mr. Parsons and the important services which he would render to the State, in a judicial capacity. He generously waived all his political prepossessions, took charge of the proposed measure in the House of Representatives, and carried it successfully through, mainly by the force of his personal influence, and in spite of the opposition of his own party. The honorable spectacle of a leader of one political party exerting his talents and influence to elevate a leader of the opposite party to a station of power and honor, is not often witnessed, and should be esteemed in proportion to its rare occurrence.

Nor did Mr. Story's magnanimous disdain of mere party considerations stop here. Mr. Parsons accepted the appointment of Chief Justice, and the manner in which he discharged the duties of his office was such as to satisfy the highest expectations of the bar and the public. But he found the salary insufficient for the support of his family, and in 1809 he came to the determination of resigning his seat upon the bench and resuming his lucrative practice at the bar, unless his salary were considerably increased. At this time, the democratic party had a majority in both branches of the Legislature of Massachusetts, and, like their loco-foco successors in the same State,

would rather lower the salaries of ten judges, than increase that of one. The patriotism of Mr. Story was again appealed to, and not in vain. He accordingly reported a bill to enlarge the salaries of all the judges, and was the chief speaker in its support in the debate that ensued, which was characterized by an unusual degree of excitement, and in which he was not spared by his political friends. His honorable course, however, was again crowned with success, and by his means, chiefly, the valuable judicial services of Chief Justice Parsons were secured for the remainder of his life, a benefit not only to the State of Massachusetts, but to the whole Union, so large an influence have the judgments of that eminent man had upon the jurisprudence of America.

These events in his life, though their scene and immediate influence were local and not national, deserve to be commemorated, as they do so much credit to his independence of character. The conduct of the party to which he belonged may also be honorably contrasted with that of the democratic legislature of Massachusetts in 1843, which reduced the salaries of all the judges—an act not more in violation of the Constitution of Massachusetts, than a departure from sound republican principles.

While in the legislature, Mr. Story drew up an able report in favor of establishing a separate court of equity jurisdiction, and earnestly enforced the passage of a law in accordance with it. But the jealousy which the legislature of Massachusetts has always felt on the subject of chancery powers, defeated this, as it has many similar measures since.

In 1809, Mr. Story was elected a Representative in Congress to supply the vacancy in Essex, south district, occasioned by the death of Mr. Crowninshield. He served only for the remainder of the term for which he was chosen, and declined a reelection, deeming the agitations of political life incompatible with that devotion to professional pursuits, without which high success can never be obtained. While in Congress he associated his name with two measures, both of which were distasteful to the great leader of the Democratic party. One of these was a motion made by himself for a committee to consider the expediency of a gradual increase of the navy, which he enforced in an eloquent and elaborate speech. This proposition was defeated

by a strict party vote, the rank and file of the democracy following the lead of Mr. Jefferson, whose visionary and absurd notions on the subject of national defence his admirers do not now pretend to conceal or defend. He also gave his animated support to the proposition for the repeal of the embargo. He had defended this measure, in the legislature of Massachusetts, as a temporary expedient, preparatory to further acts which should, in some way or other, settle the questions at issue between the two countries; but he was wholly opposed to it as a scheme of permanent policy, and contemplated with lively alarm the ruin and misery which must of necessity spring from it. Mr. Jefferson was much displeased with this opposition to his favorite scheme, and he ascribed the repeal of the embargo mainly to Mr. Story's influence. The injury was not forgotten or forgiven, and Mr. Story is accordingly complimented with the epithet of "pseudo-republican," in a letter addressed by Mr. Jefferson to General Dearborn, contained in the fourth volume of his printed works. Mr. Story never was a "republican" in Mr. Jefferson's sense of that word.

In January, 1811, Mr. Story was elected Speaker of the House of Representatives of Massachusetts, and he held that office, till his appointment to the bench. For this place he was extremely well qualified by his knowledge of forms, his quickness of mind, his excellent temper and his courteous manner, and he discharged its duties in a way which met the unqualified approbation of all parties.

Though Mr. Story, at the time of his appointment to the bench, had become a conspicuous public man, politics had by no means formed the object of most engrossing interest to him. His profession had been a subject of paramount importance, and to this his time and thoughts had been chiefly devoted. He loved the law, and studied it with the ardor and perseverance which a relish for the pursuit alone could inspire. The business which was intrusted to him was always promptly, ably and conscientiously discharged. He threw himself into the cause of his clients with his characteristic zeal and energy, was sagacious in the management of causes, self-possessed at critical moments, fluent, persuasive and ingenious in his appeals to the jury, and in his arguments to the court thorough, learned and profound. Such a man was not left to languish in obscurity, nor

could his unpopular politics cover with a cloud his shining merits. The sagacious merchants and farmers of Essex found that their most important interests might safely be intrusted to his zealous and able hands, and soon after his admission business began to flow in upon him in a copious stream. In a very few years he was retained in causes of the first magnitude, and measured his powers with such antagonists as no lawyer, living or dead, could venture to disdain; as Mr. Dane, Judge Prescott, Judge Putnam, Judge Jackson, and Mr. Mason of New-Hampshire. At the time of his elevation to the bench, his professional income was not less than five thousand dollars a-year; a very large sum, considering the place and the period. Notwithstanding his laborious and extensive practice, he had not forgotten to pay a part of that debt which every lawyer owes to his profession. In 1805, he published a *Selection of Pleadings in civil actions*, with valuable annotations of his own, a work carefully and accurately compiled, and after the lapse of forty years still resorted to as a safe and trusty guide. In 1809 he edited Chitty's treatise on *Bills of Exchange and Promissory Notes*, with a large body of original notes, which was well received by the legal profession. In the following year, he also prepared for the press an edition of Abbott's excellent work on *Shipping*, with copious notes and references to American Statutes and decisions. Of this work, he also published an enlarged and improved edition after his elevation to the bench.

During the early period of his life, his walks were not wholly confined to the thorny paths of jurisprudence. He had that fine organization and lively sense of beauty which mark the poetical temperament, which would not have failed to give him the same eminence in literature as he attained in law, had the former been his ultimate choice. While in college he wrote verse with ease and spirit, and was frequently called upon to exercise his poetical talents. A year or two after leaving college he published a poetical work, of some considerable extent, called the "*Power of Solitude*," showing a good deal of skill in versification, and a genuine warmth of poetic feeling. His sterner studies and avocations soon called him away from the haunts of the muses though he never lost his facility of versification, as some exquisite verses, written late in life upon a painful domestic be-

reavement, amply testify. To the close of his life, the reading of the best of the English poets formed the favorite relaxation of his leisure hours, and he ever retained the liveliest sense of their peculiar beauties.

In November, 1811, the place of associate justice of the Supreme Judicial Court of the United States, became vacant by the death of Judge Cushing of Scituate. The post was tendered to Mr. John Quincy Adams, then in Russia, and by him declined; whereupon Mr. Story was appointed to the place. Thus, at the early age of thirty-two years, he was invested with a judicial function of the highest dignity and importance, called upon to decide causes of great magnitude and interest, and to administer all the branches of the common law—in addition to admiralty and equity law, both of which in England are under the charge of separate tribunals—besides constitutional law, a department almost indigenous to the soil of our country, and taking precedence of all other in interest, grandeur and extent of influence. We are not aware that the annals of the common law afford any parallel instance of an advancement to so high a tribunal at so early an age.

The professional reputation of Mr. Story entitled him fairly, as among the lawyers of his own party, to this high honor, notwithstanding his youth; but it is not to be disguised that the appointment occasioned some uneasiness and alarm, throughout the first circuit, especially among the graver and elder members of the Federal party. It was quite unprecedented to see so young a man in a seat so long and so indissolubly associated with the reverend brow and silver locks of age. He was remembered, too, as the able and fearless advocate of political opinions, often warmly embraced by the young and the ardent, but not in favor, as a general rule, with the men who held the property of New England, who, of course, were the most interested in the pure and impartial administration of justice. The commencement of his judicial career was therefore carefully and anxiously watched by those whose rights and property were most likely to be influenced by his official judgment. But whatever of apprehension or uneasiness there may have been in the minds of any portion of the community, was dissipated by the first observation of his conduct upon the bench. It was seen

that in assuming the sacred functions of the judge, he had entirely laid aside the prepossessions of the political advocate. In the suitors who came before him, he knew no other distinctions than those founded upon the essential equity of their claims. No recollections of former conflicts warped his sound judgment, or darkened his clear perception. No judge ever kept the ermine of justice more unspotted from the polluting stains of politics.

The remainder of his life and more than one half of its whole duration, was passed in the tranquil discharge of his judicial duties, to which, at a later period, were added his engagements as a teacher of law and his self-imposed labors as an author. There was only one considerable occasion on which the even flow of his life was interrupted by a summons to appear before the public in any other capacity than those which have been enumerated. In 1820, after the separation of Maine from Massachusetts, a convention was called to revise the constitution of the latter State. Great wisdom was shown in the choice of the delegates who comprised a body illustrious for talent, learning, dignity and experience. In these qualities, it is not too much to say, that this body was not surpassed by any assemblage of men who ever met together in America. Upon it fell the last rays from the mind of the elder Adams and the early splendor of Mr. Webster's unsurpassed genius. To this Convention he was chosen a delegate from the town of Salem. He took a deep interest in its proceedings and an important part in its debates. He defended the independence of the judiciary in an elaborate argument against a proposed amendment authorizing the Legislature to diminish, as well as to increase, the salaries of the judges, during their continuance in office. This measure had been once carried in the Convention by a large majority; but the friends of the judiciary, impressed with a deep sense of the evil consequences of such a measure, exerted themselves so ably and zealously, that when the question was taken upon its final passage it was rejected by the wisdom of the assembly. To this result, his powerful argument, which unfortunately was not reported, materially contributed. The reported debates of the Convention contain a beautiful specimen of his deliberative eloquence in a speech on the basis of the Senatorial representation. In this he

discusses the influence which property has, and should have, upon government, and his wise and judicious remarks commend themselves by their own excellence, not less than by his weight of character. The persuasive eloquence and beautiful tone of feeling of the concluding paragraphs have given them a general and deserved popularity, and secured them a place in what may be called the circulating literature of the country.

In his judicial labors he has reared an imperishable monument to his memory. His duties, taking the whole extent of his judicial career, were more various and more arduous than those of any of his contemporaries. His circuit labors extended over the States of Massachusetts, New Hampshire, Rhode Island and Maine. In each of these States he held, by law, two terms in the year, and though they may be lawfully holden by the district judge alone, yet he was never absent except when prevented by illness. The peculiar character of the people of New England, their enterprise and thrift, their saving and accumulating habits, their restless activity and indomitable energy, were also elements which added to the amount of his judicial labors. Soon after his elevation to the bench, the coals of strife between England and America were fanned by the angry passions of the two countries into the blaze of open war. The people of New England had a large share of the evils and sufferings of war and of its unchristian and inhuman gains. They were extensively engaged in navigation, and sustained heavy losses by capture. The British dominions were near at hand, and a part of the soil of New England was occupied by the enemy. The struggle between the natural impulses of man, and the unnatural state of war, produced a system of trading under licenses from the enemy, and of collusive captures. A large portion of the prizes taken from the English were brought into New England ports, having been captured by New England privateers. From these things arose a great variety of questions affecting the principles and application of the prize law, all difficult and some new. The manner in which he administered this novel and intricate branch of law reflects the highest credit upon his learning and ability, and won the cordial praise of foreign and at that time hostile tribunals.

The commercial character of New England and the great amount of its capital

employed in navigation, gave rise also to a variety of perplexing questions in admiralty law, involving the rights of ship-owners, ship-masters and seamen, and the claims of salvors, which were to be adjudicated by a system of law then comparatively in its infancy, ill-defined and imperfectly understood. This was always with Mr. Justice Story a favorite branch of his jurisdiction. Early in his judicial career, he investigated the origin, and expounded the leading principles, of admiralty law, in his celebrated judgment in *De Lovio vs. Boit*, 2 Gallison, 398, in which, his reasoning has never been answered, though his conclusions have often been assailed. In a variety of subsequent judgments, these principles were applied with singular sagacity, clearness and consistency, and with inexhaustible affluence of learning, to the numerous and intricate cases which came before him. Thus mainly by his labors and those of his illustrious contemporary, Lord Stowell, in England, has been formed a department, of law, alike beautiful from the symmetry of its structure and the harmony of its proportions, and useful from the facility with which its principles may be applied to the actual exigencies of life. We believe that no unprejudiced lawyer ever passed from the barbarous jargon, the frivolous distinctions, the scholastic subtlety, the solemn nonsense and the impudent fictions which disfigure such considerable portions of the common law, into the natural and rational course of proceedings in a court of admiralty, without experiencing a relief similar to that felt by the early navigators when they had passed the dark and stormy bourne of Cape Horn and reached into the smooth seas and gentle gales of the Pacific.

His duties as presiding Judge of the New England Circuit also required him to administer, and indeed almost to create, another important branch of law. A phrenological peculiarity of the Yankee skull is the great size of the organ of constructiveness. They are a tool-making, machine-contriving and labor-saving race. A Yankee without mechanical ingenuity is as rare a bird as a thriftless Scotchman or a canny Irishman. So curious and magical are the machines which we have witnessed—the growth of that soil—that we should hardly be surprised to hear of an inventive genius emerging from an obscure New England village, and carrying up to Boston a model of that long-sought and visionary mill,

which, at the turning of a crank, shall convert a live sheep into felt hats, a skin of morocco and four quarters of mutton. In consequence of the inventiveness of the people of New England, a very large proportion of the patent causes of the whole country were tried before the tribunal of the first circuit. The patent law, at the commencement of his judicial career, was in a most imperfect state, and perplexed with the contradictory decisions of English judges, struggling between their sense of justice and the fair principles of interpretation on the one hand, and the influence of the common law doctrines of monopoly on the other. The constructive and creative power of Mr. Justice Story's mind was largely employed in the gradual building up of that admirable fabric of patent law by which the rights of inventors and patentees are now secured and defined, and which is becoming more and more important with the rapid growth of the country, and especially with the extension of its manufacturing interests.

The enlightened principles of equity jurisprudence were always congenial to his mind, and he was soon called upon to apply and expound them judicially. With how much of learning and ability this was done, is well known to the legal profession. There were but few topics discussed in his masterly treatises on this subject, subsequently published, which he was not called upon to examine and explain in a judicial capacity. His judgments in equitable cases are of especial value to the student and the practitioner for their depth of learning, their variety of illustration, and their comprehensive treatment of the points under discussion. He always encouraged the study of equity jurisprudence among the members of the legal profession, and saw with pleasure its growing importance and the more frequent recourse which was had to it, in the settlement of litigated questions. He delighted in its generous and liberal principles, in the flexibility of the instruments which it used to accomplish the ends of justice, and in its superiority to narrow technicalities.

He also devoted himself to the study of constitutional law with the assiduity which its paramount importance required. To this department his attention had not been particularly called while at the bar, and some curiosity, not to say anxiety, was felt as to how far he would sustain the constitutional views of the illustrious

Chief Justice, which, as is well known, were not approved by the great body of the democratic party. That he cordially embraced them, and enforced them with the earnestness and power of genuine conviction, is now matter of history; and this departure from the creed of the party with whom he had been associated while at the bar, is most honorable to his candor and independence, and may we not further add that it furnishes a strong argument in favor of the soundness of the principles of constitutional interpretation of the Marshall school? His constitutional judgments were always most elaborately and carefully prepared, and are worthy of assiduous study, not only from their intrinsic excellence, but as showing so different an intellectual structure from that of the Chief Justice. To watch the processes by which two differing minds arrive at the same results is always interesting. It will be time well employed on the part of the student to read, with this view, the judgments of these two eminent men in the Dartmouth College case, 4 Wheaton, 458, each so masterly and yet so unlike the other. His power as a constitutional lawyer may be felt with peculiar force in those cases in which he differed from the majority of his brethren upon the bench, as in the case of the Warren bridge, 11 Peters, 420. Without presuming to give an opinion as to the soundness of the principles laid down by the majority of the court, no one can help admitting the infinite superiority of the dissenting judgment of Mr. Justice Story in learning, grasp of principle and vigorous reasoning.

Besides the various departments of jurisprudence which we have enumerated, there remains the great body of the common law, which in all its branches he was required to administer and interpret. Every region and province of the common law was to him familiar ground. He was not, like many judges, strong in some of its departments and weak in others; but he had mastered all its various learning, and was everywhere at home. The various modifications of commercial law, including the law of insurance, contracts, bills of exchange and promissory notes, agency, partnership and bailments, were the branches most congenial to his taste; but his judgments upon questions of real law, criminal law and special pleading, were distinguished by the same fullness of learning and untiring patience in research as those upon

questions of commercial law. From a study of his reported judgments, alone, it would be impossible to infer that he had any preference for one kind of law over another. A luminous and profound discussion upon a point of insurance law will be followed by one equally luminous and profound upon some technical question of real law, and this latter by a learned examination of some knotty rule in special pleading. We certainly know of no instance of any judge who attained so high an eminence in so many departments of the law; who was entitled to be ranked with Lord Stowell as an expounder of admiralty and prize law, with Sir William Grant and Lord Cottenham as an equity lawyer, and with Lord Denman and Baron Parke as a common law judge. In regard to the law of patents, we know of no one to compare him with. Herein he stands alone, with no rival near the throne.

His judgments, as presiding judge of the first circuit, are contained in two volumes of Gallison's Reports, five of Mason's, three of Sumner's, and two of Story's; and all the judgments in these volumes were delivered by him. Besides these, he contributed rather more than his natural proportion to the reports of the Supreme Court, contained in Cranch, Wheaton, Peters and Howard. These volumes, taken together, form no inconsiderable law library, and he who would thoroughly master their contents would make himself an excellent lawyer. Of his judgments, taken as a whole, it is certainly not too much to say that they have no superior in the English language; and were the writer to express his own individual opinion, it would be couched in even stronger terms of commendation than these.

He was equally conspicuous for his excellence as a *nisi prius* judge. His quickness of mind was absolutely magical. He comprehended a legal point before the statement had been fairly made by the counsel, and he was as correct in the conclusions to which he came as he was rapid in reaching them. His vast stores of learning were always at command, and he had never occasion to hesitate a moment in the decision of the points which arose in the course of a trial. His manner was courteous, assuring and bland, especially to the young, the timid and the sensitive. There was always a genial atmosphere in his court. No one who came before him had to fear any of

those judicial *coups de patte* which are so lacerating to a thin skin, and add so much to the annoyance of a bad cause and an unreasonable client. They who knew him well could sometimes read in his face signs of weariness at the thrice-told repetitions of some prosing advocate, but no expression of impatience ever escaped his lips. Like all men of powerful abilities upon the bench, he sometimes incurred the charge of arguing a case to the jury instead of simply summing it up. In this we believe there was much that was unreasonable and exaggerated. In his charges to the jury he was always full and minute, and disposed of all the questions of law that had arisen in the course of the trial unreservedly and fearlessly; and in doing this it was hardly possible for him not to hold up to the jury, from his own point of view, those facts to which the principles of law were applied. There is also another consideration to be adverted to on this point. The advocate who closes for the plaintiff is very apt to introduce some new point, or some new modification of a point previously made; and when this was done, he felt himself at liberty to reply to it in his charge to the jury, and generally did so. In regard to his own relations to the causes that were tried before him, he was certainly not of the opinion of John Horne Tooke, who, when on trial for treason, said that the whole matter was between him and the jury—the judge and the crier having each their prescribed duties, neither of which were to affect his rights.

The life of Mr. Justice Story, from the time of his appointment to the bench till that of his removal to Cambridge and the commencement of a new sphere of activity, flowed on in a tranquil and uneventful course. It was a busy, an honorable and a happy life. His judicial duties afforded constant occupation to the highest faculties of his mind, and yet left him considerable time for study, for social satisfactions, and for the discharge of those various claims of society from which the highest are not exempt in our community. He was constantly adding to the stores of his legal learning, and his industrious habits and orderly disposition of time enabled him to keep pace with the current literature of the day. He was eminently happy in his domestic relations, though his affectionate nature was severely tried by the loss of many children—a bereavement which he bore as a Christian, though he felt as a man.

The simple and pure pleasures which clustered round his family hearth were more to his taste than all the gratifications which the world could minister to him. When he crossed his own threshold, all the care and weariness of life vanished from his heart and his brow; and the animation of his smile, and the cheerful vivacity of his tone and manner, showed that he always found there the air of peace. He was so much attached to his home that the only element in his lot which he could have wished to change, was the necessity of an annual separation from his family, required by his attendance upon the Supreme Court at Washington. He was happy, too, in a wide circle of loving and honoring friends, and in the respect and confidence which followed his steps wherever he moved. He always took a lively interest in the progress of the society in which he lived, and never stood coldly aloof when his talents and influence were required in a cause which he approved. His miscellaneous labors in this period of life would alone have redeemed a man from the charge of idleness. He pronounced, in 1813, a eulogy upon Capt. Lawrence, of the frigate *Chesapeake*. The elaborate memorial of the merchants of Salem against the Tariff, in 1820, was drawn up by him. In 1821, he delivered an address before the members of the Suffolk Bar, which was published in the *American Jurist*, in 1829, and has been republished in England in Clark's Cabinet Library of Scarce and Celebrated Tracts. In 1835, he pronounced the annual discourse before the Phi Beta Kappa Society of Harvard University; a performance marked by a flowing and persuasive eloquence, and showing a familiar acquaintance with the best literature of the age. In 1828, he delivered the centennial address upon the two hundredth Anniversary of the town of Salem, a beautiful discourse, happy in the choice of topics and in the manner of treating them. The paragraph upon the fate of the Indians, in particular, we would specify as adorned by the best graces of poetry and eloquence. He wrote biographical sketches of Samuel Dexter, Mr. Justice Trimble, Mr. Justice Washington, Mr. Chief Justice Parker, William Pinckney, and Thomas A. Emmet. He contributed to the *North American Review* several elaborate papers on legal subjects. In the "Encyclopædia Americana," the titles Congress, Contract, Courts of the United

States, Criminal Law, Capital Punishment, Domicil, Equity, Jury, Lien, Law, Legislation and Codes, Natural Law, National Law, Prize, Usury, were furnished by him. To the above may be added his impressive charge to the Grand Jury at Portland, in 1821, on the horrors of the slave-trade.

No inconsiderable portion of his time and thoughts was given to the interests of his *alma mater*, the University in Cambridge, to which he was ever attached by the strong ties of filial love and reverence. In 1818, he was elected an overseer of the College, and in 1825, was chosen a Fellow of the Corporation. In January, 1825, while yet an overseer, he delivered, and afterwards published, an argument against the memorial of the professors and tutors claiming the exclusive right to be elected Fellows of the Corporation, full of curious and recondite learning, upon a subject which, we believe, was never before discussed in America.

In 1829, an important change took place in his life, materially adding to his duties and widening the sphere of his usefulness. In that year, the Hon. Nathan Dane, of Beverly, a name never to be mentioned without a sentiment of respect for his services and labors as a legislator and a jurist, proposed to give a new impulse to that study of sound law which he felt to be so important an element in the permanence of free states, by the foundation of a professorship of law in Harvard University. He made it a condition of the endowment, willingly acceded to by the authorities of the University, that he should nominate the first incumbent of the Chair, and Mr. Justice Story accordingly became the first Dane Professor of Law, and the head of the Law Department of the University. Mr. Dane had previously obtained his consent to the proposed arrangement; and indeed without it, the plan would never have been carried into effect. Mr. Justice Story accordingly, in that year, removed with his family to Cambridge, where he resided during the remainder of his life, actively engaged in the duties of the Professor's chair.

For this new trust he had singular qualifications, giving distinct assurance of the splendid success which soon followed the school, and amply justifying the prophetic sagacity of Mr. Dane. His reputation was widely diffused over the whole United States, and his name was a source of interest and attraction in its most re-

mote borders. His unrivaled stores of learning extorted the admiration of all who were capable of measuring them. But neither his fame nor his learning, nor yet both combined, would have fitted him for a teacher of law. Without other qualifications, his wealth of learning might have been as useless to his pupils as the hoarded gold of the miser to the beggar at his gate. But so remarkable were his powers of teaching, that it is hardly extravagant to say that his learning was the least of the gifts which he brought to that office. It is related of Dugald Stewart, that when very young he taught a mathematical class with singular success, which he explained, by saying that he was only one lesson in advance of his pupils. In like manner, had Mr. Justice Story's legal attainments borne the same relation to those of his pupils, we have no doubt that he would have taught them faithfully and well. Every one who has had occasion to observe the relation between the teacher and the taught, knows that the most important requisite in a teacher—that which is absolutely indispensable—is an element not easily defined but instantly recognized, a mysterious power over the mind, depending, in a very considerable degree, upon natural organization, the want of which can never be supplied, though the faculty itself, like all others, is capable of improvement and cultivation. This quality he had in a preëminent degree. There was a magnetism in his manner which secured the fixed, untrebling attention of all who approached him. His temperament was active, cheerful and buoyant. He threw off the weight of official toil as a strong swimmer flings aside the invading wave. No amount of labor depressed his spirit, or hung heavy upon the natural beatings of his heart. His mind was ever salient, animated and vivacious. Like all men of simple character and habits, he preserved to the last the freshness of his tastes and his relish for the common pleasures of life. In his unoccupied moments, his spirits were ever those of a school-boy on a holiday. When to these gifts are added the purely physical recommendations of a countenance regular, flexible and expressive, beaming with intelligence and benevolence, an animated movement of person, the most cordial and winning of smiles, and a ready joyous and contagious laugh, his power and persuasiveness as a teacher of law may well be imagined.

In his oral instructions he did not confine himself to the written page of the text-book. He made that a point of departure, and explained its positions in a flowing and luminous commentary, in which his great learning and singular power of illustration were seen to the happiest advantage. As he loved the law himself, so he inspired in others that love of law which is as much more to be desired than any amount of legal learning, as a fountain is more inexhaustible than a cistern. It was a hopeless case for the student who did not catch from his instructions the enthusiasm with which they were so pervaded. Many lawyers, now in successful practice, can trace back to his influence, his example and his teachings, their taste for the law, their mastery of its difficulties, and the cheerful confidence that sustained them in those trying years, when their only service was "to stand and wait." And as he was a faithful and fervent teacher of law, so he also was a teacher of better things even than law. By his eloquent precepts and his spotless example, he impressed upon his pupils a deep sense of the beauty of a virtuous life; that all professional triumphs were worthless, that were not honorably won; and that to be a great lawyer, it was requisite first to be a good man. He had an intolerant scorn for the low and dirty tricks which convert the science which should be a shelter and a defence, into a pitfall and a snare. How would his countenance glow with generous indignation, if he had occasion to speak of the lawyer who ventured to minister at the altar of justice with unclean hands. He delighted, too, to inculcate a respect for law itself, for its ministers and constituted authorities, for all ranks of the magistracy, and even for the forms and symbols which serve as the ligatures of society. He revered all institutions which wore the venerable aspect of time. He knew the "strength of backward-looking thoughts." He felt how ephemeral a creature man would be, without the ties which link him to the past and the future. He was fond of speaking of the great men who had lived before him, into whose immortal fellowship he is now received—of Ames, and Cabot, and Parsons, and Gore, and Dexter, and Pinckney, and Marshall—of their virtues, their intellectual features, their services, their peculiar traits of character, the elements of which their being was moulded; and his glowing praise inspired

a love of those excellences which had hallowed their images in his memory. He had a particular respect for those qualities in men which have a tendency to preserve the good order of states, to strengthen the foundations of government, and to give permanence to institutions. He sometimes feared that there were not conservative elements among us, sufficiently strong to counteract the disorganizing influence of the ignorance of the many and the selfishness of the few; and with the whole force of his energetic nature, he denounced the men of talents and education, who lent themselves to destroy what they ought to have upheld. The relations between him and his pupils were always of the most friendly and familiar character. Retaining so much of youthful freshness himself, he delighted in the conversation and society of the young. It was easy for any young man of merit and industry to make his instructor his personal friend, to claim his sympathy and advice, and have the claim allowed. When they left the school, he still followed their fortunes with affectionate interest, and their success in life was ever a source of happiness and self-congratulation.

The rapid increase of the law school surpassed the highest expectations of its friends. Commencing with less than twenty pupils, its numbers gradually swelled till they amounted to more than one hundred and sixty. Its graduates, now engaged in active life throughout the country, are several hundreds in number, all of whom recall with affectionate interest the image of their revered and beloved instructor, and most of whom have had their minds and characters sensibly moulded by his teachings and his precepts. How important his relation thus was to the whole country, will be understood by those who will represent to themselves the influence of such a body of instructed, intelligent and able young men, upon the society in which they move.

Among the duties assigned to the Dane professor was the delivery of a course of lectures upon the law of nature, the law of nations, marine and commercial law, equity law, and the constitutional law of the United States. The discharge of this duty led naturally to the preparation of that admirable series of judicial works which have done so much for the diffusion of his own fame, and the honor of American jurisprudence. The first fruit

of his labors in the chair was the publication of his "*Commentaries on the Law of Bailments*," which contains not only all the common law learning upon this subject, but all that is valuable and important in the writings of the civilians whose works he had studied with the unabated ardor of his earlier years. This work was followed, in 1833, by his "*Commentaries on the Constitution of the United States*," in three volumes, comprising a sketch of the charters, constitutional history and jurisprudence of the British American Colonies, a history and synopsis of the confederation of the States, a history of the adoption of the present Constitution, and a minute exposition of all its provisions—a work of various and profound learning, full of the results of sound political wisdom and careful observation of the history of the country. In 1834, appeared the "*Commentaries upon the Conflict of Laws*," which we may venture to pronounce the most able, original and profound of his legal writings. It is a work of the highest order, and would alone entitle the author to a place in the first class of jurists. There was no similar work before it in the English language, and consequently no guiding landmarks to aid the writer in his extensive researches. His materials were to be gathered from a mass of conflicting decisions, and especially from a frowning array of foreign writers, whose learned treatises were not even known by name to nine-tenths of the English or American bar. The various, deep and rare learning of this work is not more admirable than its luminous arrangement, the natural succession of its topics, and the fullness of its illustrations. From the character of the subject, this work has been more widely circulated than any of his legal treatises. It has had the unbiased and unqualified praise of the principal jurists of Europe, and was commended by a late eminent European judge, as a work that "no jurist can peruse without admiration of the industry, candor and learning with which it has been composed."

His next contribution to the literature of his profession, was a work on *Equity Jurisprudence*, in two volumes. It is not enough to say of this that it is the best work upon the subject in the language, as the previous treatises had not been of conspicuous excellence. It is one of the very best books that have ever been written in English, upon any legal subject. It pours new floods of light upon the ori-

gin and essential character of equity jurisprudence, and shows the harmonious relation which exists between its leading doctrines and the principles of natural law and the rules of sound morality. It is alike satisfactory to the philosophical inquirer and to the practicing lawyer. The same substantial merit may be assigned to his subsequent work on *Equity Pleading*, in which a difficult and abstruse subject is treated with singular clearness and comprehensiveness. These works on Equity have succeeded, in a remarkable degree, in breaking down those barriers of exclusion which our Transatlantic brethren are too apt to rear against foreign juridical works. Their popularity in England is as great as in America, and none of the works of their own great lights of the law are more confidently resorted to for aid, or more frequently cited.

Four other treatises on legal subjects were also prepared and published by him in the last six years of his life, on the Law of Agency, the Law of Partnership, the Law of Bills of Exchange, and the Law of Promissory Notes, all marked by the fullness of learning and the flowing style which had characterized his previous publications. Thus, within the space of fourteen years, twelve large octavo volumes were added to the permanent literature of jurisprudence, by a man engaged in arduous judicial duties, and constantly occupied, except when at Washington, in the labors of the professor's chair. What more honorable trophies of industry has the world to show than these? What encouragements, and what rebukes, may be drawn from such a life! Nor were these toils sufficient to exhaust his unbounded capacity for labor. Within this period belong his inaugural discourse, as professor—an admirable exposition of the spirit and principles of law; his feeling and appropriate eulogy upon his lamented associate, Professor Ashmun, who was cut off in the bloom of his early promise, young in years, but ripe in legal attainments; his beautiful address at the consecration of the cemetery of Mt. Auburn; his lectures before the Boston Mechanics' Institute, the American Institute of Instruction, and a Lyceum in the town of Cambridge; and his discourse before the Alumni of Harvard University. In 1835, at the request of the members of the Suffolk bar, he pronounced a discourse commemorative of the life and services of Chief Justice Marshall—a feeling and

beautiful tribute to the memory of an intimate and dear friend, whose person he loved, whose genius he admired, and whose character he revered. He had previously contributed a biographical sketch of the same illustrious magistrate to the pages of the National Portrait Gallery. With all these accumulated toils, he never seemed hurried or oppressed, so perfect was his command over his powers, and so orderly was his disposition of time. No one who had the slightest claims upon him was ever turned away from his presence; and the stranger who casually saw him in his leisure moments might have supposed him some retired gentleman, who had nothing to do but to stroll from his drawing-room to his library, so free were his conversation and deportment from that nervous anxiety and restless impatience into which very busy men are apt to fall. He still continued a member of the corporation of the University, was a punctual attendant upon their frequent meetings, and was ever ready to assume his fair proportion of their labors. He also took a lively interest in the cemetery of Mt. Auburn, whose hallowed precincts are now made more sacred as the resting-place of his own remains. He was for many years the President of the Corporation, spent much time in the discharge of the duties of the trust, and prepared many elaborate reports. He also found time for the claims of society, and for the gratification of his own kindly and social nature. He was frequently found, an honored guest, in the cultivated and intelligent circles of Boston and Cambridge, instructing his hearers by his genial wisdom and the stores of his capacious memory, and charming them by his good humor, his simplicity and his ready sympathy, rivaling the young in light-hearted gayety, and proving to the old that the lapse of time need have no power over the heart and the mind.

We are now approaching the close of the life of this eminent jurist and excellent man. His health had generally been good, as the vast amount of his labors sufficiently proves, though his constitution was never robust, and occasional fits of illness, especially of late years, had warned him that even his amazing capacity for intellectual toil might be overtasked. The latter years of his judicial life were among the most laborious. The eastern land speculations, especially,

and the ruin and bankruptcy consequent upon the bursting of that portentous bubble, led to some of the most arduous and exhausting trials ever witnessed in a court of justice, and imposed upon him the necessity of examining the most difficult questions in law and equity, and applying them to a long series of transactions of the most complicated and intricate character, perplexed with monstrous contradictions in testimony utterly inconsistent with the veracity of all the witnesses. Warned at length by the lengthening shadows of life, and the occasional admonitions of illness, he had determined to resign his seat upon the bench, to pass the remainder of his days in the home he so much loved, occupied with the duties of the professor's chair and the preparation of new works in jurisprudence. Though his relations with his brethren upon the bench were of the most harmonious kind, it is not improbable that another element which led to this determination was a consciousness of the change which had come over the spirit of the court. In the school of constitutional law he had sat with filial reverence at the feet of Marshall, and now a new generation had arisen, which saw with other eyes and understood with other understanding than his. He had before him the forlorn alternative of perpetual dissent from the majority of the bench, or of giving the negative countenance of his silence to the removal of the old landmarks; and in the sadness of his heart he lent a more ready ear to the warnings of age and the counsels of friendship.

To the interval of repose between the bench and the grave, he looked forward with singular satisfaction. Few men ever entered the vale of declining years, attended by more good angels than he. He had the "honor, love, obedience, troops of friends," which should accompany old age. His fame was extended to every country in which justice is administered by established laws. He formed one of the most prominent attractions of the community in which he lived, and no stranger of any distinction ever visited Boston, who did not look forward to the gratification of seeing him as one of his chief pleasures in anticipation, and no one ever left his presence without a new sense of his greatness and his goodness. The beautiful language of the patriarch might, without the least alloy of extravagance, be applied to him: "When the

ear heard him, then it blessed him; and when the eye saw him, it gave witness to him." Time had not severed those domestic ties from which so large a part of his satisfactions were drawn. The wife of his early manhood still sat by his hearth, the constant sharer of his happiness and his cares. He had the pleasure of seeing his two surviving children—a son and a daughter—dwelling in happy homes of their own, so near to him that the pang of separation was hardly felt. He had, too, the great gratification of reading an excellent treatise on the law of Contracts, by his son, W. W. Story, Esq., and of witnessing its flattering reception by the legal profession. The law school was to him an object of ever-increasing interest and attachment. He looked forward with keen desire to the time when he might devote to it the entire measure of his time and thoughts. To impart to the ingenuous young men who, year after year, should come up to attend upon his teachings, the principles of that science which he comprehended so thoroughly and loved so well; to hold up to their imitation his own standard of public and professional morality; to animate them with his own high-toned patriotism; and thus, to diffuse through an ever-widening circle the influence of his own mind and character, and make their unworn energies the perpetual guardians and protectors of the institutions which he so much valued, gladdening the winter of his own life with the vernal promise of the virtues and capacities which he had helped to rear and train—this was an object of interest to him sufficient to arouse all his powers, and fill the measure of his life with satisfaction and content. Of honor and distinction he had had enough—far more than he had ventured to hope in the wildest dreams of his youth. His pulse no longer bounded to the call of ambition; but the sea is not more swayed by the attraction of the moon than was his spirit moved and stirred, in all its depths, by the great idea of duty.

But the Supreme Disposer of human events, to whose decrees he always bowed with filial submission, did not permit these fond anticipations to be realized. He was desirous, before leaving the bench, to dispose of every case which had been argued before him; and for this purpose, he labored with self-forgetting assiduity during the exhausting heats of the last summer. In this enfeebled state

of his system, a slight cold was the precursor of an acute attack of chronic disorder, which soon baffled the skill of his physicians; and after a few days of great suffering, the powers of nature gradually gave way; and after some hours of apparent unconsciousness, he tranquilly breathed his last on the evening of the tenth of September last.

The intelligence of his death threw a deep gloom over the community of which he had been so long the ornament and the pride. His funeral, though strictly private, was attended by a large number of the most distinguished men in Boston, and its vicinity. An impressive eulogy was pronounced at Cambridge, on the Wednesday after his death, by Professor Greenleaf, at the request of the college faculty and the law students, which was listened to with deep interest by a numerous and most intelligent audience. At a meeting of the members of the Boston bar, appropriate resolutions were offered by Mr. Webster, who accompanied them with some observations, remarkable even among the productions of his mind for their weight of sentiment and serene beauty of style; and it is understood that this distinguished gentleman has in preparation an elaborate discourse upon the life and services of the deceased, which he was requested to pronounce by a vote of the same meeting. Judge Davis, the late district judge of the district of Massachusetts, and Judge Sprague, the present incumbent, also spoke on this occasion. The feeling and tremulous tones in which the former gentleman, venerable for his years, his character and his services, bore his tribute to the virtues and attainments of one who had so long been associated with him in judicial labors, will never be forgotten by those who were present. Similar testimonials of respect were offered by the members of the legal profession in Portland, Providence, New York, Philadelphia and Washington.

Such is an imperfect sketch of the life and services of this great man. We have dwelt upon his conspicuous excellence in three several departments: as a judge, a writer of legal treatises, and a teacher of law. He who, in any one of these, had reached his eminence, would have been deemed a fortunate man; how enviable is the lot of him who was so admirable in them all. To dwell further upon his claims and merits as a jurist; to compare him with the other great names in this

department, living or dead; and to show wherein they equaled, and wherein they fell short of him—for we acknowledge no superior—would be giving to this communication a professional character hardly suitable for a journal devoted to miscellaneous literature and general politics. We have spoken, too, of his most striking qualities as a man. To paint him as he was, crowned with so many claims to love, honor, esteem and admiration—to delineate that image which dwells in the memory of his friends—we cannot hope to do. We believe it is Johnson who compares great men to great cities, which show so fairly at a distance, with their spires and palaces glittering in the sun, but which, when nearly approached, offend the eye with narrow and crooked lanes, uncouth structures, and the wretched hovels of poverty. The comparison is just, as applied to many, perhaps most, great men; but he, of whom we are writing, was a striking exception. The fine gold of his gifts and his virtues was dimmed with as little of alloy as the lot of humanity will permit. There was nothing in him for friendship to conceal, or envy to proclaim. He was not only a great judge, jurist and teacher, but a thoroughly and consistently good man. He was a kind neighbor, a faithful friend, and tender and affectionate son, brother, husband and father. He was born to be loved, as well as honored and esteemed. They alone, who saw him in his intimate relations, could appreciate the simplicity of his character and the warmth of his heart. He had none of the affectations of greatness, and none of its selfishness. He did not affect to conceal what he was, nor pretend to be what he was not. He did not repel men by an owl's gravity of deportment, still less by the chilling haughtiness of his manner. In conversing with him, it was not merely the mind which was instructed and aroused by his vivid intellectual power, and the wonderful variety and extent of his knowledge, but the heart was expanded by the sweetness of his temper and his genial sympathy. The visitor left his presence with a lighter step, and an erected brow of confidence. The kindness of such a man had enhanced his own claims to self-respect. He had no cold and fastidious disdain of the common duties and interests of life. He did not feel himself entitled, because of his greatness, to put aside all that was ex-

acted of common men. He took his part in the general lot of humanity, and whatever of work came in his way was done by him faithfully and conscientiously, without reference to its tendency to add to his consideration or extend his fame. Indeed, his readiness to forget all that separated him from common men, and to remember all that he shared with them, was one of the most touching and beautiful traits in his character. He was tolerant of mediocrity. He bore with equanimity the constant interruptions to which his valuable time was exposed. In his treatment of men of inferior condition, he had none of the insolence of disdain, or of the insolence of condescension. He met them on the level of a common humanity. It was said of Scott by a day-laborer, that he spoke to every man as if he had been a blood-relation; and the spirit of the remark might also be applied to Story. In his last illness, some touching proofs were exhibited of the general attachment which his uniform kindness of manner had inspired. Some of the humblest of his neighbors, whose monotony of daily toil had perhaps been gilded by his cordial greeting, beaming smile or friendly inquiry, came and asked of his household if there was nothing which they could do for him or the members of his family—no small service which they could render to the great man, who had never come within their lowly sphere without lifting them for a moment out of it. During his illness, his condition, with its alternations of hope and fear, was the engrossing subject of interest and conversation in the town of Cambridge. Every face wore the same expression of anxious solicitude; and the tidings of his death filled every household with the gloom of a personal bereavement.

His character had the crowning excellence which flows from a deep principle of religious faith. He had studied the evidences of Christianity with the ardor and application of mind demanded by the importance of the subject, and he rested with calm satisfaction upon the conviction of its divine origin. He often spoke of a purpose which he had in prospect, of writing a work in which the rules of legal evidence should be applied to the events of the gospel narrative, in which the question of the divine origin of Christianity should be argued as before a jury in a court of justice. The value of such a work from such a mind may well be

imagined. His religion was an active principle in his life. He not only knew but felt, that his destiny was in the hands of a God of wisdom, justice and benevolence. He was grateful to Him for the influence and consideration which he enjoyed—for the various blessings with which his life had been crowned. He submitted without a murmur to the parental discipline of his Heavenly Father. The loss of his children had deeply tried his fortitude, and filled his bosom with anguish, but this could only be inferred by the warm sympathy which gushed from his heart, when any of his friends was called to drink the same bitter cup.

Our task is thus brought to a close. In reviewing what we have written, we are painfully struck with its inadequacy to give to those who knew him not a proper estimate of what he was. The writer was, for many years, honored by

his friendship and his confidence, and, in laying this humble offering upon his grave, he feels how unworthy it is of him whose dust reposes beneath. He traces these lines with suffused eyes and a trembling hand, for a part of the daily light of his life has now vanished from his path. His heart swells as he recalls that countenance which for so many years was never turned towards him but with an expression of interest and affection. That well-remembered voice is again borne to the ear by the breeze from the land of spirits. The present fades from the eye and the thoughts, and the past returns; and the beautiful words of Shenstone seem the only adequate expression of the feeling with which he takes leave of the subject:

"Eheu! quanto minus est cum reliquis versari, quam tui meminisse."

CALIFORNIA.

LETTERS from Washington, on which we rely, render it probable that Mr. SLIDELL, our newly appointed minister to Mexico, goes clothed with power to treat with that government for the cession of California to the United States. The intelligence is vague, but we trust it is true, and that the negotiation may prove successful. The natural progress of events will undoubtedly give us that province just as it gave us Texas. Already American emigrants thither are to be numbered by thousands, and we may, at almost any moment, look for a declaration, which shall dissolve the slight bonds that now link the province to Mexico, and prepare the way for its ultimate annexation to the United States.

Regarding, therefore, the accession of California as an event which present tendencies, if not checked or counteracted, must render inevitable, we should prefer to see it accomplished by an agency, at once more direct and less questionable in point of national morality. It cannot be disguised that we stand open to the charge of having colonized Texas, and recognized her independence, for the express

purpose of seizing her soil—that we wrested her territory from Mexico, peacefully and by a gradual process, to be sure, but as really and as wrongfully as if we had conquered her by arms in the field of battle. It cannot but be, at least, suspected that the grounds of the revolution which made Texas independent of the central state, lacked those essential elements which alone redeem rebellion from crime, and justify the disruption of those political bonds which constitute a state—that no overwhelming necessity for such a step existed—and that the reasons assigned, where not palpably false, were unsound and frivolous. We were not slow to recognize this independence—not to avail ourselves of it, to transfer to ourselves that sovereignty which had thus been annulled.

It will be impossible, under all the circumstances of this transaction, to persuade the world that these events had no connection with each other, either in fact or in the intentions of our government which, directly or indirectly, gave vigor and success to them all. Until the memory of this achievement shall have some-

what faded, we do not desire to see the experiment renewed. If we are to have a further accession of territory, we hope to see it effected by an open purchase and a voluntary cession. Thus did we come in possession of Florida, including the Oregon dispute, and on terms which the country, we believe, thus far at least, does not deem extravagant. Texas, it seems not at all unlikely, may yet cost us more than would in the beginning have bought it outright; and California, it may fairly be presumed, may now be purchased, at least *nemine contradicente*, for a sum which the country will deem small for so valuable an acquisition.

For, certainly, we do regard it as extremely desirable that California—a part, at least, of the province known by that name—should become the property, and remain forever under the exclusive jurisdiction, of the United States. Lower California, as it is called, embracing the long, narrow peninsula between the Gulf and the Pacific, stretching from the 21st to the 33d degree of latitude, a distance of above eight hundred miles, with an average breadth of about sixty, is universally represented by travelers as sterile and hopelessly desolate. It consists, indeed, of a chain of volcanic, treeless, barren mountains of rock, broken only by still more dreary plains of sand, destitute of streams, swept by fierce tornadoes, and of necessity abandoned almost entirely to sterility and desolation. Scattered spots now and then occur, where the torrents of rain have not washed away the soil, or where, being surrounded by rocks on every side, it has been protected from those influences which have made the peninsula, on the whole, the most uninhabitable region of the northern temperate zone. These, however, are neither frequent enough nor large enough to redeem, or relieve, the general character of the country; and Lower California must always remain an undesirable possession for any country, except one that sways a barren sceptre and to which extent, not fertility, of territory seems attractive. It may well, therefore, be left to Mexico.

With Upper California the case is different. The southern and eastern portions—indeed nearly the whole province except that part bordering on the Pacific—is scarcely more valuable than the lower province. Through the eastern section extends the chain of the Rocky Mountains, broken into fragments, and con-

verting a wide space of the country, through its entire length, into a waste perfectly uninhabitable, producing very little vegetation, and through which the traveler, with danger and difficulty, finds a casual and precarious path. West of this chain lies a vast, sandy plain, nearly seven hundred miles in length, with a width of one hundred miles at its southern, and two hundred at its northern, extremity. The whole valley of the Colorado is utterly barren, and is described by an American traveler as a great burial-place of former fertility, which can never return. Like its branches the river is not navigable. The Gila, which forms the southeastern boundary of the province, is a rapid stream, and its upper portion flows through rich and beautiful valleys, capable of supporting a numerous population. In the centre of the northern section of Upper California lies the Timpanigos desert, between four and five hundred miles square, and probably the most utterly desolate region of so great an extent upon the western continent. On its northwest border Mary's river takes its rise, and flows southwardly about one hundred and sixty miles, into its own lake, which is about sixty miles in length, and half as wide. The valley of the stream has a rich soil, which, were not the atmosphere too dry, would be well adapted to agricultural purposes, and contains many fine groves of aspen and pine, that shelter deer, elk and other game.

The remaining part of Upper California—that which lies nearest the Pacific coast—is not only by far the best portion of the province, but one of the most beautiful regions on the face of the earth. It embraces the whole country drained by the waters which empty into the Bay of San Francisco. These are, first, beginning at the south, the San Joaquin, which rises in a lake called Bonavista, in latitude 36°, and about three hundred miles northwest of the mouth of the Colorado; it runs thence, northwest some six hundred miles, with a deep and tranquil current, navigable for two hundred and fifty miles above its mouth, and through a valley six hundred miles in length, and from forty to one hundred in width; bounded on every side by mountains, which thus inclose a prairie surface, covered with trees which skirt the streams, of above 40,000 square miles in superficial extent. Among the highlands which inclose this valley, are vast for-

ests filled with the loftiest and finest cedars and pines in the world, with every variety of soil, fresh water lakes, and every element of unbounded agricultural wealth, except a propitious climate. From November to March the whole valley is flooded by heavy and incessant rains; and from April until Autumn an intolerable heat converts this vast fen of stagnant waters into a valley of the Shadow of Death. This evil, however, it is confidently asserted, is susceptible of an easy remedy by draining these accumulated waters into the river.

From the north flows another and much larger river, the Sacramento, which, rising among the mountains that skirt the lower border of Oregon, flows for nearly three hundred miles through an open, level country, naturally fertile, and annually overflowed by the waters of the river, which thus, like the Nile, enriches and adorns the region through which it runs; cut on the east side by numerous tributary streams skirted with timber, and striped upon the west by groves, and lakes, and great savannas, and presenting one of the richest and most beautiful regions on the face of the earth.* In the wet season this river is navigable to steamers of three hundred tons for nearly two hundred miles above its mouth; and even in the driest season, small boats without difficulty make their way for over one hundred miles to what is called the *Forks*, where the Sacramento receives its great western branch, named upon the map of Capt. Wilkes, Destruction river, which rises in the Sierra Nevada, and flows for about two hundred miles with a rapid current, through a fertile region, into its principal stream. The Jesus Maria rises amid the heights of the Snowy Mountains, directly South of Cape Mendocino; and, flowing south at an average distance of twenty miles from the ocean, through a region of hills and rolling plains, heavily covered with forests of most valuable timber, falls into the Bay of San Francisco.

The valuable part of Upper California is thus seen to embrace that region of the province drained by the waters that discharge themselves, at San Francisco, into the Pacific sea. Its superficial extent cannot be estimated at less than 40,000 square miles, nearly as much as that of the State of New York, and two-thirds that of the British Islands. Of its

beauty and fertility, all travelers agree in giving most glowing and enthusiastic descriptions. Perouse, one of the earliest of its visitants, says, that its "climate differs a little from that of the southern provinces of France; at least, the cold is never so piercing there, but the heat of summer is much more moderate, owing to the continual fogs which reign there, and which procure for the land a humidity very favorable to vegetation." Immediately upon the coast it has been represented that the sea-winds and fogs blast the foliage of trees in exposed situations; but on leaving the ocean nothing of the kind is witnessed, and all are alike enchanted with the boundless fertility and unequalled beauty of the inland regions. The English voyager, Vancouver, who traversed this country at an early day, after speaking of the mountains, "the sides and summits of which exhibited a high degree of luxuriant fertility," says:

"We had not proceeded far, when we entered a country I little expected to find in these regions. For about twenty miles, it could only be compared to a park, which had originally been planted with the true old English oak; the underwood, that had probably attained its early growth, had the appearance of having been cleared away, and had left the stately lords of the forest in complete possession of the soil, which was covered with luxuriant herbage, and beautifully diversified with pleasing eminences and valleys; which, with the lofty range of mountains that bounded the prospect, required only to be adorned with the neat habitations of an industrious people, to produce a scene not inferior to the most studied effect of taste in the disposal of grounds."

The same traveler was struck with "the quality, quantity and variety of its excellent productions, not only indigenous to the country, but appertaining to the temperate, as well as torrid zone;" and he makes the remark, that "not one species had been sown or planted that had not flourished and yielded its fruits in abundance, and of excellent quality." Equally explicit, and of still more authority, is the statement of Humboldt:

"New California is as well watered and fertile, as Old California is arid and stony. The climate is much more mild than in the same latitudes on the eastern side of

* Farnham.

the New Continent, (which includes the Atlantic coast from Boston to Savannah,) the frequent fogs give vigor to vegetation and fertilize the soil, which is covered with a black and spongy earth.*

Although agriculture, throughout this vast and fertile region, is of the rudest and most unskillful character, nearly all kinds of grain have been readily raised. In the immediate neighborhood of San Francisco Bay the most extraordinary crops are easily produced. Dr. Marsh, long a resident on the banks of the Sacramento, informed Mr. Farnham that from ten bushels of wheat he had known to be harvested a crop of 3652: though he says that the average yield is from 30 to 50 bushels from one that is sown.* The first part of this statement is incredible; but Commodore Wilkes mentions an instance in which 3600 bushels were harvested from 30 sown; and he places the average crop at 80 fold.† The most moderate of these statements exhibits a degree of fertility seldom found in the most favored regions of the earth. Indian corn is said to return about 150 fold. The potato thrives; hemp, flax, oats, barley, peas, fruits of all kinds, and indeed all the productions of the temperate zone, are produced in great abundance, and with the greatest ease; while in the southern portion, cotton, tobacco, figs, lemons, olives, oranges, and especially grapes, seem to find a native and most propitious soil; and the marshes about the mouths of the San Joaquin and Sacramento, may easily be turned into some of the richest and most beautiful rice fields in the world.

Here, then, lies upon the Pacific coast, adjoining our western border, included between the parallels which embrace the southern sections of the United States, and stretching northward to the southern boundary of Oregon, a region of country capable of sustaining a greater population than now inhabits the entire American Union. Traversed, through its entire length, and from its most remote corners, by noble rivers all concentrating their waters, and forming at their common mouth, the finest harbor perhaps in the world;—abounding in timber of the best quality for ship-building and all naval purposes, easily floated to a common point, and that the beautiful and capacious har-

bor of San Francisco;—containing measureless water power, immense agricultural resources, and all the elements which nature can furnish of national wealth and national consequence—it is yet shut out from the influences of Christian civilization and abandoned to a people who neither know its capacities, nor feel the pressure of any obligation to develop and expand them. The aggregate population is probably below 20,000; the harvested crops in 1839 amounted to 69,000 bushels of wheat, 22,000 of maize, and 15,000 of barley; and the whole annual merchantable production of the country, including cattle and furs, its staple commodities, is estimated by Capt. Wilkes at less than a million of dollars. Nor is there anything in the history of the country, to induce the hope that, under its present control, it will ever attain that position, and serve those ends, in the great scheme of the world's civilization, for which Providence has so clearly designed it.

For more than three hundred years it has been under exclusive Spanish dominion. Yet up to the present time, notwithstanding its immense advantages for trade, it has no commerce; in spite of its fertility, it has no agriculture; its water power and ability to yield a bountiful supply of every raw material, have not erected a solitary manufacturing establishment within its borders; and the whole country is even now as far removed from that high and palmy state of wealth, cultivation and power of which it is susceptible, as it was before the Spaniard Cabrillo, in 1542, first explored its coast and landed upon its shore. We have stated the probable population of California at 20,000. Captain Wilkes estimates it at but 15,000, of whom some 9000 are Indians, 3000 whites, and 2000 of mixed blood. The whites, who are the only persons of any political account, inherit all the vices, with none of the half-virtues, of their Spanish ancestry; they are utterly ignorant, indolent and rapacious, cruel to their wives and dependants, destitute of spirit, industry and courage, and perfectly incapable of the slightest emotions of ambition, or the faintest pulsation of energy and enterprise.‡

No one who cherishes a faith in the wisdom of an overruling Providence, and

* Farnham's California, p. 343.

† Exploring Expedition, Vol. v., p. 159.

‡ Com. Wilkes' Exploring Expedition. Vol. v., p. 175.

who sees, in the national movements which convulse the world, the silent operation of an invisible but omnipotent hand, can believe it to be for the interest of humanity, for the well-being of the world, that this vast and magnificent region should continue forever in its present state. Capable of sustaining millions of people, of conferring upon them all the physical comforts of life, and of raising them to the highest point of mental and moral cultivation, if only they have the energy and the ability to use its resources—so long as desolation broods upon it, so long as the shadows of ignorance, indolence and moral degradation hang around it, the manifest designs of Providence are unfulfilled, and the paramount interests of the world lack due advancement. While California remains in possession of its present inhabitants, and under control of its present government, there is no hope of its regeneration. This will demand a life, an impulse of energy, a fiery ambition, of which no spark can ever be struck from the soft sluggishness of the American Spaniard. Attempts have been occasionally made by Mexico to colonize the province; but they were marked by the most perfect ignorance of the nature of the enterprise as well as of the country, and ended in bringing misery upon the emigrants, and loss and ridicule upon the central government.* In 1836, the people of the province rebelled, and declared Upper California independent of Mexico, and expelled the Mexican troops and officials from the country. But according to Commander Wilkes, the people were excited to this by the acts of the foreigners resident among them; and after the first temporary ebullition of the borrowed patriotism thus infused, they settled back into their old inaction, varied only by sundry extempore acts of atrocious villainy, and soon returned at least to the nominal rule of the Mexican Republic. They have not the character required to redeem their country from its low estate. The boundless wealth of land and sea which has been lavished upon it, must forever remain useless, till mental and moral powers are found to use it. For never were uttered, by poet or philosopher, truer words than those noble lines of Wordsworth—

“Winds blow, and waters roll
Strength to THE BRAVE, and Power and
Deity;

Yet in themselves are nothing! One decree
Spake laws to *them*, and said that by the
SOUL
Only, the Nations shall be great and free.”

California, to become the seat of wealth and power for which Nature has marked it, must pass into the hands of another race. And who can conjecture what would now have been its condition, had its first colonists been of the stock which peopled the Atlantic coast? Compare its adjacent seas, unruffled by winds, and perfectly free from shoals and dangerous currents—the seas named *pacific*, from their placid and ever quiet waters—with “New England’s stern and rock-bound coast,” or the northern and western shores of Europe. Its soil yields freely and lavishly, to the most ordinary cultivation, an immense variety of the necessities of life and the staples of commerce. No portion of Europe is more richly endowed with all the wealth of nature—the “dread magnificence” of earth and heaven. Yet all these immense advantages, in the language of Forbes, the English traveler, “had not the power to rouse the dormant energies of the Spaniard. It appeared as if these extraordinary bounties of nature had the effect of lulling them into apathy. The coasts were without commerce or navigation; and a deathlike tranquillity reigned throughout the province.”

We have already remarked that the inevitable course of events—which, in the end, will always be seen to coincide perfectly with the highest wisdom and expediency—which is, in fact, the silent, resistless legislation of the Omnipotent Lawgiver—must, ere long, place California beneath other sovereignty than that which now benumbs its powers and stifles and stagnates its undeveloped energy. And not only is this result inevitable, but if the considerations we have adduced have any weight, it must be regarded, upon every principle of a wide expediency, as highly desirable. It is a consummation upon which every reflecting person must look with pleasure and hope. So imperatively is this conviction forced upon the mind of the most disinterested observers—even of those whose interests and feelings are most hostile to the course the matter seems likely to take—that a Mexican correspondent of the *London Times*, while urging the British Government to obtain possession of California, in order

* Forbes’ *California*, p. 147.

to prevent its falling into the hands of the United States, employs the following very emphatic language concerning the general result to which we have alluded. His letter bears date,

"Mexico, Sept. 29, 1845.

"In the opinion of many, the existence, as a nation, of Mexico, is hastening to its termination; and, as far as I can see, no great man appears who is equal to the regeneration of the republic. The Government is powerless, even in the capital; the departments barely hold on the central State; there is no population to till the finest soil in the world; and riches, above and below ground, remain unexplored, for want of intelligence and hands to work them. If England will not interfere, the doom of Mexico is sealed, and in the course of a few years *it must be incorporated with the United States*. The Government and people of the United States entertain no doubt on this subject. They say that they do not interfere in the affairs of Europe, and that they are determined no European power shall interfere with them in the affairs of the new world. By aggression, annexation, or conquest, they are resolved on enticing all Mexico, down to the Isthmus, within the Union; and, come what may, *that end must sooner or later be accomplished*. I am fully aware of the danger to which the monetary circulation of Europe will be exposed, when the silver districts of Mexico are under the control of the American Congress, and of the imprudence of our permitting a naval power, like that of the United States, to become the richest nation in the world; but I cannot help admitting, at the same time, that if Great Britain will not interfere, *the general good of humanity must be advanced by the annexation of this country to the American Union*. The tide of emigration will, instead of flowing directly, take the current of the United States, and even millions of English, Scotch and Irish emigrants can pass through the American ports to fix as settlers in this land of milk and honey. The wretched Indian race must give way before the influx of a white population, and myriads of acres, now untilled, will teem with wealth and abundance. The climate is magnificent, except on the coast, and in particular districts fever does not appear. Every European production can be raised; and I may say there is room for all the emigration that can be poured in a quarter of a century from the British Isles. The next good to the British occupation of Mexico, is its incorporation with the United States. We shall find, when it takes place, immediate employment of our poor, a consumption of British manufactures spread over

this great continent, the dispensation of the English language and English feelings over an almost boundless territory. We must, in short, make up our minds to this result, and happy will it be for the common interests of humanity—unless Great Britain should take the matter directly into her own hands, alarmed at the growing power of the United States, and their dominion over the mining districts from which our monetary circulation is furnished—when it is accomplished."

The writer of this passage attributes designs to the United States which are unsustained by any evidence, and must therefore pass for simple assertions. But he declares, very emphatically, that the general good of humanity demands that the whole of Mexico should pass into the hands of some foreign power. If this be true of the whole, (and, for our purpose, it is not necessary either to admit or question this,) it must certainly be true of California; and no one, we apprehend, will hesitate to admit that that country would be immeasurably advanced in wealth and power; that a new field for civilization and all the arts of Christian life would be opened; and that "the general good of humanity must be advanced" by the occupation of that country by another than the Spanish race.

This point, then, being conceded, it remains only to inquire, into whose hands shall California pass? What nation of the earth shall succeed to Mexico, whenever the sovereignty shall pass from her grasp?

There are, we believe, but two powers to whom the design of acquiring California is ever ascribed. One of these is Great Britain; the other is the United States. The German *Allgemeine Zeitung*, a few months since, announced the establishment by Russia of a post at Bodega, in California, and ascribed to that colossal power of the North the intention of obtaining a foothold, and ultimately acquiring dominion, in that extensive province. The *Zeitung* was evidently ignorant of the facts from which it sought to draw so important conclusions. Bodega was first established by the Russian Fur Company, in 1812, with the permission of the then Governor of Monterey, to erect a few small huts for salting their beef. It gradually increased until it successfully resisted the attempt—feeble at the best—of the Spanish authorities to drive it away. But its maintenance be-

came too expensive for the purposes of its establishment, and, in 1839, it was transferred, with all its property, for the sum of \$30,000 to Capt. Suter, an American emigrant, who has nearly supreme command of a very large tract of land upon the eastern bank of the Sacramento. At the time of the visit of Commander Wilkes, the guns had been removed, the stock transferred, the Russian occupants, a few hundreds in number, scattered, and the post was entirely and forever abandoned.* Russia, then, it may safely be presumed, has no design of obtaining possession of any portion of California.

By Great Britain, on the other hand, such a purpose, we have no doubt, has long been cherished. It is generally known that as long ago as in 1837, by an arrangement with the English creditors of the Mexican government, lands in that country, to the amount of 125,000,000 of acres, were set apart for the payment of the debts which Mexico had incurred in England. The precise terms on which this mortgage was effected are more clearly and succinctly stated in the following letter from the Hon. Mr. Cushing to the writer of this sketch, than elsewhere within our knowledge. The letter has already been published in the *Courier and Enquirer*, from the columns of which journal we copy it:

"Newburyport, 24th October, 1845.

"DEAR SIR:—I have before me sundry documents, which appertain to the subject of your inquiry as to the interest of the British holders of Mexican bonds in the territory of California.

I. By decree of the President ad interim of the Mexican Republic, issued April 12th, 1837, under the authority of an Act of Congress of the 4th of the same month, it is declared—

1. That the entire foreign debt of the Republic may, if the public creditors see fit, be consolidated through the agency of Messrs. Lizardi & Co., and of the Mexican Minister in London.

2. That the existing bonds may be exchanged, one half for new bonds of such consolidated fund, 'and the other half in land warrants on the vacant lands in the departments of Texas, Chihuahua, Sonora, and California, at the rate of four acres for each pound sterling.'

7. That 'for further security in the payment of the principal and interest of the national consolidated fund, the Mexican government specially hypothecates, in the name of the nation, one hundred mil-

lions (100,000,000) of acres of the vacant lands in the departments of California, Chihuahua, New Mexico, Sonora, and Texas, with special guaranty to said consolidated fund until the total extinction of the bonds.'

10. That 'foreigners, who, in virtue of their land warrants shall come to establish themselves on their properties, shall acquire from that date the title of colonists, and shall participate, they and their families, in all the privileges which the laws grant, or may grant, to any others of the same origin, and under the same conditions.'

Other articles of this decree, namely, the 3d, 4th, 5th, 6th, 8th and 9th, regulate various questions of detail, in regard to the new bonds and the land warrants.

II. On the 14th of September, 1837, in pursuance of a previous meeting of the holders of Mexican bonds, it was agreed, between them and the agents of the Mexican government, to accept the offer of the latter, with twelve modifications proposed, of which the most material to the present purpose are the following, namely:

2. That (among other things), instead of at once converting one-half of the old bonds into land warrants, for that half shall be issued *deferred bonds*, 'which deferred bonds shall be at all times receivable in payment of vacant lands in the departments of Texas, Chihuahua, New Mexico and California, at the choice of the purchaser, at the rate of four acres for each pound sterling.'

4. That the deferred bonds shall contain a clause stipulating that 'the Mexican government, when thereto required, shall grant to the bearer of the said bond full right of property and complete possession in the number of acres of land corresponding to the amount of said bond, with the accruing interest thereon, at the rate of four acres of land for each pound sterling, of which full and complete possession shall be given, by the competent authorities, on the presentation of said deferred bond.'

7. That the Mexican government, in addition to the general hypothecation of 100,000,000 of acres, contained in the 7th article of the decree, 'shall specially set apart * * * twenty-five millions of acres of government lands in the departments having the nearest communication with the Atlantic, and which may appear best suited for colonization from abroad; the said lands to be specifically and exclusively held open for the location of deferred bonds.'

14. That bonds of the first class may run until the year 1866, and those of the second class until the year 1876.

* See Narrative of Exploring Expedition, Vol. v., p. 178, et seq.

The other articles are not particularly important to the subject of inquiry.

III. On the 1st of June, 1839, an act was passed by the Mexican Congress, which

1. Approves the above agreement made with the holders of Mexican bonds on the 14th of September, 1837.

2. Grants one year for the proposed conversion of the foreign debt.

4. Requires the Executive to take heed that 'no lands on the frontier shall be granted to the subjects of the border States, in the event of any bonds falling into their hands, which they may be desirous of exchanging for lands,' &c.

6. Enjoins 'that the lands be so divided among the emigrants as to prevent their too great concentration on one point; they are, therefore, to be located at some distance from each other, and as near to our towns as may be convenient.'

IV. On the 29th of July, 1839, there was issued by the President ad interim of the Mexican Republic, (Santa Anna,) an order in Council, of twenty-four articles, which regulate, in detail, the issue of the new bonds, and especially those of the first class, for which a certain portion of the custom-house revenues were specially pledged; but this order in Council does not materially affect the present object.

Please to observe that the hypothecation of 100,000,000 of acres of land in California, Texas, Chihuahua, New Mexico and Sonora, is permanent until the whole debt be paid, and the right of locating the deferred bonds in California, Texas, Chihuahua and New Mexico, also continues until these are paid, it being a condition inserted in the bonds. Yours truly,

C. CUSHING."

This mortgage, of course, confers no right of sovereignty over the mortgaged soil. But from the day of its date, nearly ten years since, to the present time, it has been made the *point d'appui* for projects of colonization, acquisition and final dominion over California. Thus, an English work on California—that of Mr. Forbes—published in 1839, and written at about the time when the arrangement noticed above was concluded, remarks that "there have been some thoughts of proposing to the Mexican government that it should endeavor to cancel the English debt which now exceeds fifty millions of dollars, by a transfer of California to the creditors." And in pursuing the suggestion, the author says:

"If California was ceded for the English debt, the creditors might be formed into a company, with the difference that they

should have a sort of SOVEREIGNTY over the territory, somewhat in the manner of THE EAST INDIA COMPANY."

This is, certainly, a most pregnant intimation—one which will not be deemed unworthy of notice by any who understand the history, organization and character of that gigantic engine of British power to which the company in California is to be assimilated. Its origin was far more humble than that suggested for this new establishment. It began simply as a partnership of merchants. In the early part of its career it considered itself merely a trader in the territories of a foreign potentate. It looked closely after its own pecuniary interest, and sought commercial influence and the power of wealth, but did not dream of political projects, or venture, in any way, to interfere with the independent States, among whom it had become a commercial resident. Soon, however, its conception of its position began to change. Political ambition obtained control of it, and soon became its informing and shaping spirit. Wealth was seen to follow power, and the unbounded, unregulated, unprincipled thirst for gold, soon drove its devotees—removed from the restraints of law and the fear of responsibility—into deeds of stupendous guilt. For a stipulated sum of money, the company engaged to extirpate an innocent and independent nation—the Rohillas. English troops were soon posted, first for pay and then from policy, throughout the magnificent province of Oude; and but a short time elapsed before the revenues of all the adjacent countries were under the administration of British subjects. Thus, in the very recent language of the *London Times*, they "began humbly, as merchants and traders—they ended proudly, as kings and conquerors." Availing itself gradually of the weakness and internal dissensions and generous confidence of the Asiatic powers, it "began in commerce and closed in empire," and became, what by Roman justice and reason had been deemed impossible, *eundem negotiatorem et dominum*—or in BURKE'S still more pointed phrase, a "State in disguise of a merchant." Thus it had power to pass laws, to build forts, to maintain a force, to hoist a flag, to keep vessels and govern territory—granted, originally, for purposes of trade, but equally available for purposes of empire. Thus it has gone on, extending its possessions over kingdom after kingdom,

seizing one throne after another, until it has become sovereign of nearly the whole of Central Asia, and is daily meditating the vulture's descent upon the small remainder. The Punjaub has, thus far, been exempt from its interference; but the *Calcutta Englishman*, of a very recent date, heads an article with the ominous words, "Every appearance of a Punjaub war," and goes on to exhibit the "extreme disorder" prevailing in that country, and to speak of the "probability that British intervention cannot be much longer delayed." Scinde was seized upon even in impatient advance of what *Blackwood* calls the "principle of unavoidable expansion."*

The London *Times* proclaims that conquest must go on in Asia until the "natural limits of empire" are reached; and the *Foreign Quarterly Review* has proclaimed that "to Great Britain, as to a conquering and civilized caste, the government of all India belongs, not so much through any paltry right derivable from custom, or originating in popular notions, as from that sacred right imparted by Providence to intellect and justice, to rule over violence and ignorance."† And this career of conquest, which has been continued without interruption and with increasing vigor down to the present time, and which is still advancing with strides worthy of its gigantic power and stupendous purpose, has beyond all doubt involved more perfidy and corruption, more robbery and murder, more butchery and blood, more crime and outrage of every grade and every hue, than the most ruthless deeds of Roman ambition, or, indeed, than can be matched in the history of any single power, of ancient or of modern times. The East India Company has always been one of those convenient and super-serviceable agents whose transactions the sovereign power of Great Britain could avow or disavow at its sovereign pleasure. But now it has come to be universally recognized as simply Great Britain in Asia. Its arm is that of Britain. British ambition is the life that throbs through all its giant frame. British troops are its instruments. The British seal has been affixed even to its most atrocious deeds; the avails of its robberies have swollen the vast tide of British wealth; its conquests—bloody, ruthless, unprincipled as

they are—no matter by what perjuries, by what treasons, by what assassinations, what secret or open crime they may have been achieved, are marked upon the map as British possessions. And Great Britain may most righteously be arraigned before the world, in place of him against whom, as the head of this vast, irresponsible and despotic power, BURKE thundered his terrible denunciations, when he said, "We charge this offender with no crimes that have not arisen from passions which it is criminal to harbor; with no offences that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short, in nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness of heart, died in grain with malice, vitiated, corrupted, gangrened to the very core." And this is the model upon which is to be formed the projected British Company in California! This Western Continent is to be the theatre on which these scenes are to be re-acted!

Nor is the suggestion we have cited our sole or chief authority, for suspecting the British Government of projects of dominion in this portion of the North American Continent. There has sprung up of late a very general demand from all sides of the British press, for the prompt accomplishment of these designs. The *Foreign Quarterly Review* closes some speculations upon the probable destiny of California, with the remark that "an active minister, who had a forecast of the future, might secure it as an appendage to Oregon, our unquestionable right to which is too clear to be surrendered. The Mexicans," it is added, "would not be sorry to part with it to us upon fair terms." The urgent recommendations of the Mexican correspondent of the London *Times*, we have already quoted; and we have now to offer, from the same source, this explicit and, beyond all doubt, authentic announcement of a fact which our previous citations must have shown to be probable. In his letter, dated September 29, 1845, after speaking of the arrangement in progress between the governments of Mexico and the United States, on the question of boundary, this writer says:

"The question of frontier will also be

* *Blackwood's Magazine*, No. 328, p. 273.

† *F. Q. Rev.* Jan. 1844, p. 271.

embarrassing on the Pacific coast, and *interfere with the negotiation now going on between the British and Mexican governments for the adoption of a frontier parallel, NECESSARY TO BRITISH INTERESTS.*"

With this evidence before us, it is impossible, or at least unwise, to doubt that Great Britain is striving to secure from Mexico sovereignty in California, absolute, it may be, or perhaps "somewhat in the manner of the East India Company."

The next question naturally suggested relates to the probability of her success. This must be simply a matter of opinion. It would be useless to disguise our fear that, so far as Mexico is concerned, she may accomplish her purpose. We have less confidence than perhaps is just, in the good faith of the friendly disposition towards the Government and people of the United States, which Mexico is said of late to have evinced. Our acquisition of Texas is yet too recent—our port towards Mexico has been too commanding—our exactions have been too rigorous, for the wound they inflicted upon this sensitive and resentful race to have yet fully healed. The sonorous blasts of our mutually defiant armies must even yet be echoing among the marshes between Metamoras and Aransas Bay, nor can the proclamations of the Mexican powers, so

"Horribly stuffed with epithets of war,"

have yet wholly passed from their recollection. Their soldiership, we are well aware, was "mere prattle without practice," and they found themselves, like Iago, so

"be-lee'd and calm'd

By clamorous creditors,"

that

"Though they do hate us as they do hell
pains,

Yet, for necessity of present life,

They must show out a flag and sign of
love,

Which is, indeed, but sign."

It seems to us improbable that a government marked and swayed by Mexican temper, which persisted against the advice and example of the leading nations of the earth, in refusing to recognize the independence of Texas, for a long series of years of enforced inaction, which has, from first to last, charged upon the United States the robbery and despoil-

ment of the fairest of her possessions, should now, so soon after the obnoxious deed is finally and fully accomplished, manifest even an intemperate eagerness to resume with us friendly relations, and to negotiate for a boundary upon so liberal a basis as she is said to have proposed. We fear these measures are but the fair-seeming dictates of a "necessity of present life." They have already relieved her seaboard from the presence of our squadron, and her Texan frontier from the pressure of our troops. They have averted, or at least deferred, a blow against which she had found it impossible to interpose the shield of British power, and have released her from the fatal necessity of engaging, single-handed, the power of the United States. Of such a struggle the result has repeatedly been predicted in Europe. The *French Journal des Debats* has declared that "the conquest of Mexico would be a wide step towards the enslavement of the world by the United States, and a levy of bucklers by the Mexicans at this moment would lead the way to this subjection." The *London Times* remarks that Mexico has had the sagacity to perceive that a declaration of war would enable the United States to seize upon and retain the Mexican territory. These views were doubtless enforced upon the Mexican administration by the representatives of both France and Great Britain: and the result has been that all thought of immediate war has passed away. Meantime, a negotiation has been set on foot with Great Britain for the cession of California, and is "now in progress." Suppose it to be successful, and the British power to be planted in the Bay and around the tributary waters of San Francisco; will not the European powers be then in a condition to attempt to reduce to practice the theory of M. Guizot, that "the integrity of existing powers in America must be maintained?" "Between the autocracy of Russia on the East, and the democracy of America, aggrandized by the conquest of Mexico, on the West," says the *Journal des Debats*, the official paper of the French government, "*Europe may find herself more compressed than she may one day think consistent with her independence and dignity.*" It cannot be disguised that apprehensions of the future power of the American people are arousing the fears, and influencing the policy of the principal nations of Europe. The leading journal of Great Britain but a few days

since, declared, that "no European politician can look forward to the power of the United States, within the present century, but with the most *appalling* prospects." And so the *Paris Debats* remarks, that "for the political balance of the world, the conquest of Mexico by the United States may create eventual dangers, which, although distant, it may not be superfluous to *guard against*." And so again, upon another occasion, the same official journal employed this still more emphatic language:

"A cry of war between America and Mexico has been raised: although it is not believed that the threats will be followed by acts, yet it would be well for us to be prepared for anything. North America presents her ambitious plans for conquering all the American continent. She began by the annexation of Texas, by which she divides Mexico, and a war will give her a welcome pretence for possessing herself of all Mexico. Soon the smaller states will follow, and the Isthmus of Panama fall into the hands of North America. *Europe should not tolerate this, nor suffer North America to increase, or the independence of Europe might sooner or later be wedged in by the two colossuses of Russia and North America, and suffer from their oppression.*"

It seems well nigh incredible that any or all the European powers should seriously resolve upon measures to prevent and check the growth, in power and influence, of the United States. To the casual observer we seem to be so far removed from them, the ocean that rolls between us seems so broad, as to stifle and destroy that envy and jealousy which, under other circumstances, might ripen into displeasure and end in open and effective hostility. But farther reflection, we apprehend, will weaken the force of these considerations. The affairs of the whole world are, in many very important respects, linked and even fused together. Commerce, which has come to be the ruling power upon this globe, makes its home upon the broad sea that knows no bounds—its familiar paths are upon the world's great highways; and it knows comparatively little, in its highest and most far-reaching relations, of those national limits which divide, and therefore weaken, the aggregate of human power. That nation of the earth which

has most power, upon land and sea, must have over every other, and over all others, advantages, the weight of which no distance from them can ever seriously impair. Supremacy of this kind long enjoyed will never be readily yielded; nor can any prospect, however remote, that it will be snatched away by some vigorous and growing competitor, fail to be met with discontent which may ripen into scowling defiance and open hostility. These considerations, and others which must readily occur to every one upon slight reflection, must remove or at least modify the incredulity with which the chance of European intervention for the purpose, whether avowed or not, of checking and fixing limits to the growth of American power, is very naturally received.

But there are other considerations which may tend still farther to render probable such intervention. Between the political institutions of the great European states and those of this country, there is a radical and a vital difference—a difference which cannot fail to ripen into hostility whenever the two systems shall threaten collision. Many years ago this difference was thus defined: "The European alliance of emperors and kings have assumed, as the foundation of human society, the doctrine of inalienable *allegiance*. Our doctrine is founded upon the principle of inalienable *right*."* This is a difference which has become irreconcilable. It exists as an impassable gulf between the family of sovereigns and the great body of the people. It can never be broken down, and can only disappear when kings shall become perfect and undisputed despots, or when they shall cease to wear their crowns. The sovereigns of Europe, by their frequent intermarriages, by their position which elevates them above all other society, and especially by this identity of interest and of safety against the encroachments of the republican spirit, are more closely knit together, and animated by a stronger *esprit du corps* than any other body in the world. It must therefore be expected that they will make common cause against their common enemy, wherever he may have his seat, whenever he shall threaten to disturb their peace, and from whatever quarter, or in whatever shape, his aggressive movements may come. For the last three hundred years the progress

* Hon. J. Q. Adams, Secretary of State, in a letter to Mr. Anderson, U. S. Minister to Colombia, dated 27th May, 1823.

of Republican principles has been uninterrupted. In the sixteenth century—the age of Elizabeth—the defeat of Philip II. of Spain, the head of the Catholic world, by the entire destruction of the immense armada he had despatched against England, established the independence of the Dutch commonwealth so renowned, under the name of the Republic of the United Provinces. The seventeenth century beheld the execution of an English king, and the establishment of a commonwealth on the ruins of the throne, under the Protectorate of Cromwell. Our own revolution, and the bloody scenes which attended the overthrow of royalty in France, rendered the eighteenth forever illustrious. Already has the nineteenth been marked by the triumph of popular power in Spain, Belgium, Norway, and several other nations of Europe, over previous and still recent despotism; and now the growth of a gigantic, overshadowing Republic on the Western Continent, seems likely to affix the seal of decay and death to the startled and half-crumbling monarchies of the Eastern world. The rapidly approaching consummation of this great and universal tendency has only one aspect—that of fear—and holds out but one result—that of utter downfall and extinction—to the whole family of European sovereigns. To the world at large, to the millions of its inhabitants and the general interests of humanity, reason may urge that it is vastly, immeasurably beneficial. But kings can never so regard it; or, if they do, they will never act upon this conviction. Their interests, their personal prosperity and power, their existence even, are menaced and threatened with destruction by this tendency; and they do, therefore, but obey the universal instinct of self-preservation when they combine their forces and unite their counsels and their power, to resist and defeat, and turn back in its channel this rapid, often tumultuous, and sometimes crimson tide of popular ambition. Hence, as a British writer has remarked, “among all their mutual jealousies, sovereigns have always had a strong fellow feeling for a king against a people;”^{*} and nearly all the interventions of European powers in the affairs of other nations of modern times, have been made in support of kings against the people, or in some way for the benefit of the kingly power.

This feeling of hostility to republican-

ism, which, as we have said, is simply the instinct of self-preservation, naturally acquires strength from the magnitude and pressure of the danger to be incurred. When, therefore, we reflect upon the most wonderful advancement of this, our republic, in wealth, population, territory, and all the elements of national greatness and power; upon the spectacle which we present to the world, of eighteen millions of people, active, intelligent and happy, enjoying all the protection and feeling none of the burdens of government, dwelling in peace and in plenty, made conscious of law only by the immunities and blessings it bestows, hearing of no tithe or tax-gatherer, holding their rights and possessions at the caprice of no lord or petty tyrant, but under the sanction of the commonwealth of which they are constituent members, and enjoying all the blessings of a well-ordered State, with what MILTON calls “the utmost bound of civil liberty that wise men look for;”[†] when we look upon the gigantic fabric of power which is thus shooting upward, with a rapidity to which history affords no parallel, towards an overshadowing influence which must make itself felt by land and sea, and in all the departments of human action among the nations of the earth; and when we remember that the resources of modern practical science and art have made it impossible to prevent this unbounded and stupendous achievement from being a cynosure to the whole world; that the people of Europe must and do turn painfully under the yoke which their kings and kingly governments have laid upon their necks, and gaze upon the contrast with their own condition which we present, it can scarcely seem matter longer for surprise that the *London Times* should deem the probable power of the United States within the present century an “*appalling prospect*,” or that the official organ of the French monarchy should proclaim that *Europe must not TOLERATE this rapid growth*, NOR “*SUFFER NORTH AMERICA FURTHER TO INCREASE!*”

The existence of this feeling among the sovereigns of Europe towards this country, cannot be cloaked by honied diplomatic assurances of distinguished consideration, nor disproved by angry or contemptuous denial. We look upon it as a fact—a “*fixed fact*,” which must have weight in any speculations, that

* Edinburgh Review.

† Speech for the liberty of unlicensed printing.

claim to be intelligent, concerning our present and future foreign relations. We have introduced it here for the purpose of saying that Mexico cannot be ignorant of its existence, and that, in our judgment, she intends, with more of wisdom than we have given her credit for, to make it serviceable in "feeding fat the grudge" she bears us. She cannot lack the sagacity to perceive that, with Great Britain firmly fixed in California, she could not engage in war with the United States without a certainty, or, at the least, a very strong probability of having Great Britain for an active ally. This is an object worthy her endeavor. It is one likely, we fear, to be attained through the "negotiation now in progress for the adoption of a frontier parallel," on her northern border, deemed, by Great Britain, "necessary to British interests." Should it prove successful, our government, we fear, will find reason to regret its forbearance in not having regarded the declarations and acts of Mexico, consequent upon the Annexation of Texas, as in fact, declarations of war against a portion of the American Union, and thus forcing her to a speedy and final adjustment of all points of disagreement.

We deem it impossible that Great Britain should expect to occupy California, either as a colony, or "somewhat in the manner of the East India Company," with the acquiescence or indifference of the United States. In no spot upon the continent could she establish her power, where it could be so effectually wielded to our lasting injury. It can scarcely be doubted that the Pacific Ocean is hereafter to bear upon its bosom a far greater commerce than now floats upon the Atlantic. Whatever may be its relation to Europe, to the United States it is destined to be the highway to Asia, the avenue to the unbounded wealth of the "gorgeous East." Even now, our whaling fleet counts 675 vessels, with an aggregate tonnage of 2,200,000 tons, and the majority of these, with 16,000 of our countrymen, and valued at \$25,000,000 under the American flag, are upon its waters;* and in half a century our commerce with Asia and the Islands of the Pacific must be counted by hundreds of millions of dollars. San Francisco is one of the finest if not the very best harbor in the world. "Few are more extensive," says Com. Wilkes, "or

could be as readily defended as it; while the combined fleets of all the naval powers of Europe might moor within it."† It lies directly in the track of all transit between Asia and America, and is by far the best, the safest and most valuable harbor on the Western Coast of the Western Continent.

With this port for her naval *dépôt*, Great Britain would indeed be MISTRESS OF THE SEAS,

"— not for a day, but for all time!"

An armed squadron, sailing thence, by a single blow could sink millions of American property, seize upon tens of thousands of our citizens, sweep our commerce, and drive our flag from the Pacific Seas. With California in that part of our dominions, Canada upon our northern frontier, Halifax overhanging our northeastern coast, a portion of the West India Islands whence to hurl her brands of open war, and her infernal engine for exciting civil contention, in our southern section, with Mexico for an ally, and her ports as *points d'appui* for assailing our southern and southwestern cities, she would certainly have enfolded us as completely in her net, as the bloodiest intentions of extermination could possibly desire!

Such a consummation, we venture to say, and England must know, can never be effected with the acquiescence, or without the utmost possible resistance, on the part of the United States. It was, indeed, long ago proclaimed by the Executive of our government, and has recently been reaffirmed by our present chief magistrate, as a principle on which, in all time to come, this country would act, that any attempt on the part of European powers "to extend their system to any portion of this hemisphere, would be considered as *dangerous to our peace and safety*;" and that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for colonization by any European powers."‡ And concerning this declaration, and the rights which it established, a writer in the *Edinburgh Review*, for July, 1845, remarks:

"Had Europe acquiesced in this declaration, instead of protesting against it, it would in time have given to the United States a prescriptive right to act upon it."

* Exploring Expedition. Vol. v., p. 485.

† Pres. Monroe's Message, December 2, 1823.

‡ Ibid., Vol. v., p. 159.

The reviewer does not mention any protest against this declaration formally made by any of the powers of Europe; nor are we aware that any such has ever been received by our government. But, whatever may be the extent of our *acknowledged* right to act upon it, we have no doubt, as we remarked in the last number of this Review, that it embodies what is now the actual feeling and determination of this country,* and that it will be fully and promptly acted upon, whenever the contemplated *casus* shall occur. Indeed, our past history furnishes a case precisely in point, and involves a precedent which, we doubt not, would be promptly followed.

The struggles of the Spanish colonies in South America for their independence, it will be remembered, attracted the attention and enlisted the sympathy of the government and people of the United States to a remarkable extent. We were the first to recognize their national character; and our most assiduous endeavors were then put forth to restore peace between them and Spain. On the 10th of May, 1825, Mr. CLAY, then Secretary of State, addressed to Mr. Middleton, our minister at St. Petersburg, instructions to endeavor to engage the Russian government to use its best exertions towards terminating the contest. In that dispatch occurs the following passage:

"You are authorized, in the spirit of the most perfect frankness and friendship which have ever characterized all the relations between Russia and the United States, to disclose without reserve, the feelings and the wishes of the United States in respect to Cuba and Porto Rico. They are satisfied with the present condition of these Islands, now open to the commerce and enterprise of their citizens. They desire for themselves no political change in them. If Cuba were to declare itself independent, the amount and the character of its population render it improbable that it could maintain its independence. Such a premature declaration might bring about a renewal of those shocking scenes of which a neighboring island was the afflicting theatre. There could be no effectual preventive of such scenes, but in the guaranty, and a large resident force, of foreign powers. The terms of such a guaranty, in the quotas which each should contribute of such a force, would create perplexing questions of very difficult adjustment, to say nothing of the continual jealousies which would be in operation. In the state of possession which

Spain has, there would be a ready acquiescence of these very foreign powers, all of whom would be put into angry activity upon the smallest prospect of a transfer of those islands. *The United States could not, with indifference, see such a transfer to any European power.*"

This dispatch certainly indicates the view taken by our government of its duty and interest in regard to the occupation of Cuba or Porto Rico by any European power. But the matter does not rest even upon that. In the summer of 1825, a large French fleet visited the American seas, and its object was believed in Mexico to be the invasion of the island of Cuba. The Mexican government promptly called upon that of the United States, through Mr. Poinsett our minister, to fulfill the pledge of President Monroe we have already quoted. In rehearsing these facts in a letter to Mr. Poinsett, Mr. CLAY remarks that "what the United States *would have done*, had the contingency happened, may be inferred from a dispatch to the American minister at Paris." The dispatch thus referred to is from Mr. CLAY to Mr. BROWN, and bears date 25th November, 1825. Our government, through Mr. CLAY, therein uses this very explicit and peremptory language:

"Another consideration to which you will advert in a friendly manner, is the present condition of the islands of Cuba and Porto Rico. The views of the Executive of the United States in regard to them, have been already disclosed to France, by you, on the occasion of inviting its co-operation to bring about peace between Spain and her former colonies. In a spirit of great frankness, it was stated to the French government, that *the United States could not see, with indifference, those islands passing from Spain to any other European power*; and that, for ourselves, no change was desired in their present political and commercial condition, nor in the possession which Spain has of them. *In the same spirit, and with the hope of guarding, beforehand, against any possible difficulties on that subject that may arise, you will now add that we could not consent to the occupation of those islands by any other European power than Spain, under any contingency whatever.*"

Language of precisely the same tenor was addressed to the other leading European powers. Thus, in a letter addressed to Mr. MIDDLETON, United States minis-

ter at St. Petersburg, under date of December 25, 1835, Mr. CLAY directs him to inform the Russian government that the United States have recommended to the republics of Colombia and Mexico a suspension of any military expedition which they might be preparing against the Islands of Cuba and Porto Rico. He states that he has addressed official notes to the ministers of those republics, urging such a suspension, and he then adds:

"You will observe it intimated in those notes, that other governments may feel themselves urged, by a sense of their interests and duties, to interpose, in the event of an invasion of the islands, or of contingencies which may accompany or follow it. On this subject, it is proper that we should be perfectly understood by Russia. For ourselves *we desire no change in the possession of Cuba*, as has been heretofore stated. *WE CANNOT ALLOW A TRANSFER OF THE ISLAND TO ANY EUROPEAN POWER.*"

Nothing, certainly, could be more explicit and peremptory than these emphatic and repeated declarations. It was distinctly and solemnly proclaimed to the world, by our government, under PRESIDENT ADAMS, through Mr. CLAY, his Secretary of State, that the declaration made by PRESIDENT MONROE, in 1823—a declaration hailed throughout this country with what was described by a western member of the Congress* then assembled, as "perhaps an imprudent enthusiasm"—was to be thenceforth enforced as a rule of action: that this continent was "no longer open for colonization by any European power;" and that, therefore, the United States *could not allow a transfer of the Island of Cuba to any European power in any contingency whatever.* Nor was this regarded by the European powers to whom it was addressed, as an unjust or unwarrantable assumption on the part of the United States, or as, in any respect, an encroachment upon their just rights. None of them, not even France, against whose supposed designs it was especially directed, protested against it. On the contrary, it was *acquiesced in* by them all. In the case of France, this is shown to have been the case, by the following extract from the reply of Mr. BROWN to the instructions of Mr. CLAY, of which an extract is given above, under date of November 25, 1825.

MR. BROWN TO MR. CLAY.

"Paris, January 10, 1826.

"SIR:—In order to comply with the instructions contained in your dispatch, No. 3, I obtained an interview with his Excellency, the Baron de Damas, on the 2d instant. I reminded him that in the month of July last, I had, in a spirit of frankness, disclosed to him the views of the President of the United States, in relation to the islands of Cuba and Porto Rico, and that I had then stated to him that the United States could not see, with indifference, these islands passing from Spain to any other European government; and that, for the United States, no change was desired in their political and commercial condition, nor in the possession which Spain has of them. I informed him that I was now instructed to add, in the same frank and friendly spirit, and in order to guard against all possible difficulties that might arise on the subject, that *we could not consent to the occupation of these islands by any other European power than Spain, under any contingency whatever.*" * * *

"The Baron de Damas appeared to concur entirely in the view which I took of the subject, and inquired whether it had been mentioned to the British government. I told him that *a similar communication had been made to Mr. Canning, and I had sufficient reason to think that the British government concurred with the President in the policy of not disturbing the possession of these islands, in favor of either of the great maritime nations.*"

And in a dispatch addressed to the Baron de Damas, and dated January 2, 1825, the day of the interview, Mr. BROWN says:

"Having understood your Excellency to say that the policy and views of the United States, as disclosed by me, *corresponded with those of His Majesty's government*, I shall not fail," &c., &c.

Here, certainly, is nothing like a *protest* against the declaration of President Monroe, nor do we find anything of such a nature in the subsequent diplomatic correspondence, except, indeed, Mr. Rush's reports of protests made in conversation by the British Secretary. On the contrary, Europe seems actually, and even avowedly, to have "*acquiesced in that declaration.*" Even upon the ground of the Edinburgh Review itself, therefore, it seems apparent that the United States have a "*prescriptive right*" to act upon it. That they have repeatedly and emphatically

* Mr. Cook of Illinois. See Niles' Register, vol. xxx. p. 87.

proclaimed their intention so to act, we have clearly shown. To such action it would not become England, of all nations on the earth, to take exception. She has always claimed the right of interfering in the affairs of other powers, and of preventing or counteracting their policy, whenever she deemed it inconsistent with her own selfish and ambitious purposes. Indeed, so firmly established does she consider this right, so thoroughly is it held to be interwoven with her public law, that one of her leading Reviews deems it sufficient refutation of a principle as laid down by Grotius, to exclaim, "If this were international law, what would become of the right of intervention to preserve the balance of power—or of the right of preventing aggression by preventing the accumulation of the means of attack?" This is put forward as an unanswerable *reductio ad absurdum*. And the extent to which, in her practice, she has habitually pushed this asserted right—though scarcely a year of her long and active existence has passed without its exercise, though the world has repeatedly been shaken through all its kingdoms and principalities by its assertion, and though the greatest event of modern times, the downfall of Napoleon by what has been styled the "dishonest victory of Waterloo," was achieved by it—may best be understood by the following opening paragraph of a proclamation issued by Lord Ellenborough concerning Afghanistan, a nation as really sovereign and independent of Great Britain as Mexico or the United States:

"*Secret Department,
Simla, Oct. 1, 1842.*"

"The government of India directed its army to pass the Indus, in order to expel from Afghanistan a chief BELIEVED to be hostile to British interests, and to replace upon his throne a sovereign represented to be friendly to those interests, and popular with his subjects."

Only, therefore, in violation of her own fundamental maxims of public law, and in direct hostility to her uniform practice, can England contravene the principle first solemnly pronounced by President MONROE, acted upon by our government under the administration of President ADAMS through Mr. CLAY, his Secretary of State at that time, approved and upheld by our leading statesmen, and by none more ably or emphatically than Mr. WEBSTER, and recently re proclaimed

by our present Executive, and, so far as we are aware, universally sustained by the people of this country.

It cannot be necessary, nor will the limits of this article allow us, to develop the argument *à fortiori* by which the necessity of enforcing this principle in the case of California, may easily be shown to be far more imperative than in that of Cuba. A glance at a globe, or a Mercator's map, will convince any one that the occupation of that province by Great Britain would give to that power, for all time to come, absolute dominion of the Pacific Ocean, with all its islands, coasts and commerce, and place her in a position which might at any moment become infinitely dangerous to our safety and prosperity. In an individual, self-defence is an instinct. In a nation it becomes a *duty*—one, too, of paramount obligation, far superior in binding force to any other, inasmuch as it lies at the foundation of all others, and as obedience to it is the sole condition upon which other duties can be discharged. As in individual cases, too, the obligation of national self-preservation comprises more than resistance to imminent and actual assault. It enforces in peace preparation for war—that is to say, the adoption of such measures as shall, in the event of war, put the national existence and safety beyond the hazards of any contest, and out of reach of any hostile blow. Though it neither sanctions nor requires injustice or wrong, it often supersedes the common rules of international law and, where clear and undeniable, justifies acts for which no public law exists. This broad but fundamental and essential principle, though it cannot invalidate existing rights, wherever they may exist, will most certainly forbid the extension of European dominion over at least this portion of the American Continent. And upon these grounds, sufficiently broad and perfectly tenable as we believe them to be, we have ventured the assertion that England cannot expect to occupy California with the acquiescence or indifference of the United States.

We have left ourselves but small space for reference to the efforts of the United States to become possessed, by purchase from Mexico, of this portion of her territory; but, fortunately, little is required. We have, indeed, upon this subject no authentic information whatever. In the Mexican letter of the London *Times*, dated Sept. 29, 1845, to which we have

already made allusion, we find the statement purporting to be made on authority, that "on the 6th of August, 1835, Mr. Forsyth, Minister of Foreign Affairs at Washington, wrote to Mr. Butler, Chargé d' Affairs at Mexico, and ordered him to arrange the affairs of Texas, and to *make all sacrifices to get possession of the Bay of San Francisco* by insisting on a frontier line drawn from the Gulf of Mexico, following the Rio Bravo, to the 27th degree north latitude, and from that parallel to the Pacific." That this statement did not emanate from any American source, may be inferred from the misnomer of Mr. Forsyth's office; but that it is substantially correct we have no doubt. That the acquisition of California has for some years been desired, and perhaps sought, by our government, is very generally believed; and the report, with which we set out, that Mr. SLIDELL has gone to Mexico clothed with power to effect this purchase, comes from sources apparently worthy of confidence. We trust that whatever negotiations may be held on this subject will be conducted with all the secrecy essential to success. The London *Times* of a very recent date, tauntingly declares that the "*publicity of democratic diplomacy*" may safely be relied on as a guaranty that nothing can transpire in or through this country prejudicial to the interests of England without her timely and sufficient knowledge.

With regard to Mr. Slidell's negotiation, we must repeat, we have misgivings of his success. England stands ready, we doubt not, to give a larger sum for California than our government is likely to offer. If, as she seems to believe her paramount and imperative policy must be to check the further growth of the American Union, and to make perfect her net-work of military posts and stations, from which, at any moment, she may strike with most effect upon every side, her interest certainly lies in the acquisition of the bay and harbor of San Francisco. Nor can we escape the fear that Mexico would greatly prefer such an arrangement to that which we propose. She has not yet abandoned her project of reconquering Texas; and she must feel the need of a powerful ally. She cannot be unaware that her

"Sceptre is a withered bough,
Infirmitly grasped within a palsied hand;"
and she will naturally turn for aid to that power whose "*protection*" has never been refused for any nation wealthy enough

to be worth the plundering, and weak enough to be plundered with impunity. She must feel the force of the European argument, that a single-handed contest with the United States may end in the extension of the American Union to the Isthmus of Panama, and she may deem it well to offer San Francisco as a price for the "*guaranty of the integrity*" of the Mexican Republic. And, at the least, by such an arrangement, she may hope to strike a severe and effective blow at the transcendent, overshadowing greatness of the United States;

"And this, if not *victory*, is yet *REVENGE*!"

We have endeavored, in the course of this article, to show,

1. That California, a region of vast resources, and destined, at no distant day, to hold important relations to the commerce and politics of the world, must—and ought, in the natural course of events, and for the general good of humanity—pass from its present dominion into the hands of another race, and under the sway of another political system.

2. That Great Britain is seeking the establishment of her sovereignty there, being moved thereto, not only by her general lust for colonial possessions, but by the necessity which, in common with the other monarchies of Europe, she feels, of interposing a barrier to the growth in wealth, dominion and power, of the American Union, and of thus checking the progress of republican liberty, by which she believes her own institutions, and the position of the family of European sovereigns, to be seriously menaced.

3. That the accomplishment of this design would be inconsistent with the interests and the safety of the United States; that it would be in direct hostility to fundamental principles they are pledged to sustain; and that the paramount law of self-preservation will impel them to assume that, like the European occupation of Cuba, it is an event which they "CANNOT PERMIT IN ANY CONTINGENCY WHATEVER."

In all its aspects and relations, and from whatever point it may be viewed, this is preëminently an AMERICAN question—one to be decided in the light of the future, and upon the broadest and most essential principles of that American system which is fully discussed in another portion of this Review.* We have not allowed ourselves, therefore, to make the remotest party reference in any

part of our remarks—though our citations from American authorities, as will have been seen, are entirely from sources connected with that party with whose principles and welfare this Review is fully identified. We hope and trust that a timely purchase of California by the United States, and the adjustment of pending questions of difference between our government and those of Great Britain and Mexico, will avert the necessity of an appeal to the terrible arbiter of irreconcilable international disputes. Should such an appeal, through the madness or selfish ambition of any of the contestant parties, be finally taken, the struggle, as has been remarked by a distinguished Senator of the United States,† will involve far more than the questions out of which, as a pretext, it may grow: and not only will the entire territory bordering on the Pacific coast, from the Gulf of California to the Russian frontier, extending over *twenty-three* degrees of latitude, and embracing a region capable of becoming more populous and powerful than is France or the United States at the present day, become the prize of contending nations, but a contest will ensue between opposite systems of political existence—systems in their nature essentially hostile, and between which, in the judgment of many men of foresight and wisdom, there is yet to be a final, and for one or the other a fatal, collision. Most earnestly and sincerely do we hope the prophecy may prove fallacious, and the contest be forever averted. Should, however, the irresistible progress of events throw its tremendous weight upon us, it will not become the American nation, as the only republic of mark on the face of the earth, with timid shrinking or unmanly fear, to decline it, or to tremble for the result. Of its probable issue we have neither desire nor occasion to speak. We would avoid those *κοηπους μεγαλους*—the swelling words of national vanity which, Homer tells us, Jove never fails to abase and bring to shame—as sedulously as that craven spirit which covers in the presence of a foe, and hugs its wealth with its chains and shields its person by its shame, from possible wound or spoliation. This, however, cannot be amiss: the “Iron Duke” of England is reported to have said that “a war with America must be a *SHORT* war.” Authentic or

not, the saying is worthy its reputed author. *Rem tetigit acu.* It touches the heart of England’s policy and necessity. Her power and resources are prepared for an onset terrible as a thunderbolt. Ours, on the other hand, are yet in abeyance. Time, an exigency, and the chivalric pulse of the nation’s heart, would call them forth; and, therefore, upon us does it fall to repeat that previous declaration of the same stern warrior in the British Parliament, that a war between this country and Great Britain “CANNOT be a *SMALL* war.”

For such a struggle, long or short, we ardently hope no necessity may ever arise. By no unmanly concession, however—by no sacrifice of true honor, which is nobly defined by Wordsworth, as

“The finest sense
Of JUSTICE which the human mind can
frame,
Intent each lurking frailty to disclaim,
And guard the way of life from all offence,
SUFFERED OR DONE,”—

by no timid shrinking from all the responsibilities of our conspicuous and perilous position, but only by a prompt adherence to the principles of justice, and the necessities of self-defence, can it be avoided or averted. In the course of time, and by the natural progress of events, we have come to hold a position, a system, a policy of our own. An AMERICAN SYSTEM has grown up, which claims a distinct existence, a perfect independence of all European control, and the right to shape its policy and its history, without interference, as it promises to do without the aid, of any of the older nations of the Eastern world. To that system, and by its principles, must our cause henceforth and forever be directed and guided.

“’Tis well! from this day forward we shall
know [sought:
That in ourselves our safety must be
That by our own right hand it must be
wrought, [low.
That we must stand unpropped, or be lain
O DASTARD! WHOM SUCH FORETASTE
DOETH NOT CHEER!
We shall exult, if they who rule the land
Be men who hold its many blessings
dear,
Wise, upright, valiant; not a servile band,
Who are to judge of DANGER which
they FEAR [stand!”
And HONOR which they do not under-

* See the article on the Panama Mission, p. 1.

† Hon. W. P. Mangum, of North Carolina, Dec., 1845.

PANDORA.

ILL-STARRED is that people whose rulers, having won power by ministering to the worst and most dangerous passions, find themselves goaded ever by the fatal necessity of pandering afresh to the evil spirits they have aroused and stimulated. Such a people must find in every decisive manifestation of the power of their authorities new reasons to deplore that criminal ambition which seeks exalted station regardless of principle or public good, and that popular infatuation which leads nations to put their trust in those who thus play upon their weaknesses, at a fearful cost to their morals, their true dignity, their vital and lasting interests.

Take the present Oregon Controversy, for example. The Convention which nominated Mr. Polk for President, saw fit, formally, to resolve that "our right to the whole of Oregon is clear and unquestionable," and that "the re-occupation" of that territory, with the re-annexation of Texas, is a great American question, &c., &c. The query at once suggests itself—If these be great national questions, why belittle them to mere party footballs? Why thrust them into the arena of a Presidential controversy? Nothing had been said regarding Oregon by the antagonist convention, nor by the party therein represented, at any time; it had been left, where it should have been ever left, to the constituted authorities of the land, speaking and acting in the name of the whole people. Yet a party convention seizes upon this "great American question," with the sordid intent of making votes out of it, utterly reckless of the mischiefs thence to flow. The candidate nominated by this convention is elected President by this and kindred devices, and comes into power virtually pledged to give effect to the views formally set forth by the body to which he owed his elevation. He enters upon his official duties with a manifesto in which this subject of national controversy, of protracted and anxious negotiation, is treated as nearly as possible in the spirit of the Baltimore resolution. His language is regarded by the rival claimant of the disputed territory as a bravado, a menace, and is responded to accordingly, giving rise to great and deplorable irrita-

tion on both sides. Under these circumstances the negotiation for a settlement of the difference is resumed; but under what serious disadvantages on our part! Our President is embarrassed, hampered by the party resolution aforesaid, in a matter entirely transcending party; and he stands before the world in the attitude of the constrained advocate of a foregone conclusion—maintaining our right to the disputed territory in accordance with a pledge made for him before he came into office, and in order to pave the way for his elevation. Most unfortunate is this position for him, for our country, and for a just appreciation of the strength of our claim by an impartial world.

But when he first comes to act decisively on this subject, he throws his fetters overboard, and offers to compromise by surrendering our claim to nearly half the territory we call Oregon, on condition that the other half is in like manner relinquished to us by our rival claimant. Here, a virtual and important promise, made to secure his election, is plainly repudiated. The voters, whom the Baltimore resolution was adopted to influence, understood it as a pledge to them that, if Mr. Polk would be elected, he would insist on our claim to the whole of Oregon without abatement in any case, and should proceed to enforce that claim to its utmost extent. But here, at the outset, he makes an offer to be satisfied with but little more than half, where he was pledged to exact all. How natural is the inference which will be drawn on the other side, that he had been staggered by the force of the British claim, and compelled in conscience to defer to it. How easy the presumption that, where a President so situated could begin by proffering so much, justice would give still more! Such are the evils resulting to the country from the unworthy juggle performed at Baltimore for the sake of catching votes.

But we were intending to speak more directly of the influences exerted upon the business and industry of the country by the opening of the Executive budget at the commencement of the present session of Congress. How significant are the facts that stocks began to tremble on the approach of the first of December,

and that the Message and the Treasury Report have sufficed to signalize the month of their appearance as one of panic and appalling depression. "But who cares for stocks?" queries a staunch Bentonian; "let them totter and tumble as they will; the country cares nothing for the losses or gains of stock-jobbers. True enough; but who shall say that only or mainly brokers, or even capitalists, are interested in the firmness of public securities? As well say, "Who cares for the rise or fall of the mercury in the barometer? we only want good weather outside of it." It is because the value and convertibility of every man's property, or labor is, to a great extent, governed by the influences which regulate the prices of stocks, that these are of vital consequence to all. The day-laborer in his humble cabin, whose immediate concern is with the abundance of work and the relative or absolute rate of compensation it will command, has an interest alike with the merchant, the banker, the capitalist, in the firmness and buoyancy of the stock-market. When the faith of States is scrupulously maintained and implicitly relied on, when shares in railroad and canal companies bear good prices, evince an upward tendency, and generally command fair dividends, then new works of like character and promise are freely undertaken and vigorously prosecuted, giving ample employment to labor, not merely on the lines of public works, but in every foundry, forge, factory and workshop throughout the land. Then the farmer's produce finds a ready and remunerating market; lands, houses, mill-sites, &c., command ready money; the merchant finds a brisk demand for his goods, and pay generally takes the place too commonly usurped by promise. There is no man or woman in the community, who lives by industry, or any useful, laudable business, whose interest is not promoted by the buoyancy of the share market and the firmness of public securities.

What, then, must be the intrinsic character of an ascendancy which is felt by the national industry only as a blight, a canker, a sirocco? What must be the verdict of the impartial and discerning on the merits of those measures at the bare proposition whereof enterprise is arrested, currency is contracted, credit falters, and the vast fabric of business feels, through all its over-spreading, intricate ramifications, the throes of ap-

proaching convulsion? "If these things be done in the green tree, what shall be in the dry?" If the naked fact, that a Loco-Foco Congress is about to assemble causes general anxiety and apprehension, and these change to paralysis and calamity when that Congress has assembled and been addressed by the President and his chief constitutional advisers as to the great public interests demanding their attention, what may be rationally expected to result from those measures when carried fully into effect?

And it is worthy of note that, while so many of the elements of national well-being are disquieted and endangered by the mere opening of the Executive portfolio, none have received or been induced to hope for any resulting benefit. Neither the cotton nor any other agricultural interest has experienced any elation consequent on the depression of those interests assailed or undermined by the Executive. On the contrary, cotton has fallen from its previous low estate, hangs heavily on the hands of holders, in the face of a general conviction that the Protective features of our Tariff are to be subverted at the present session and Free Trade established as the policy of the country for four years at least. Where stand the advocates of the forty-bale theory in view of these facts? Why do not some of the mercantile disciples of McCulloch and McDuffie rush into the market and secure immense fortunes by the anticipated rise of cotton when Free Trade shall be proclaimed the law of the land? Alas for the planter! the advocacy of this theory is restricted to commercial dictionaries and Congressional speeches; it makes not its way to the transactions of the exchange and the market, where faith is evinced by solid works.

It is not our purpose to criticise in detail the President's Message and the accompanying Treasury Report. Rather would we bestow some brief attention on their spirit and elemental philosophy. Judicious patriots will have already remarked with surprise and sorrow that the President, in asserting our really strong claim to at least the major and better part of Oregon, sees fit to resort to language far better calculated to irritate and repel than to soften and convince the adverse claimant, and to make up an issue, so far as possible, not merely with Great Britain, but with all Europe. There was no necessity for this—there are very great and obvious peril and mischief in

it. When President Monroe gave to the world his memorable declaration against farther European colonization and subjugation of this continent, he did so in practical resistance to a meditated, apprehended coalition of the great despotisms of Europe to subvert the independence of our sister republics of South America. Such a coalition involved principles of deadly and imminent hostility to our own liberties—to our very existence as an independent people. As such, our government very properly regarded and treated it. But very different are the circumstances under which Mr. Polk now resorts to similar declarations, with reference to the Oregon Controversy. The purpose of this fulmination is very well understood here—it is intended to make personal and party capital by a vain show of bearding the power of banded Europe. But abroad this will not be understood. It will there be interpreted as a clear admission that our claim to Oregon cannot be supported on the established principles of international law, but must be bolstered up by the arbitrary interpolation of canons unknown to Grotius or Vattel. This, with the special rebuff dealt to France, is calculated to preclude all arbitration by making the whole world our opponents, and to unite against us the convictions and the sympathies of civilized mankind. Can any one imagine a substantial and statesman-like reason for this wanton provocation of hostility?

With regard to our domestic policy, the inculcations of the President and his Secretary may be characterized in few words. Their fundamental notion—their all-pervading, all-perverting error—is the assumption of an Antagonism of Interests between the different classes composing the American Commonwealth. To their mole-eyed vision, the planter and the manufacturer, the capitalist and the workman, stand to each other in the relation of envious rivals, if not open enemies, and any public policy calculated to promote the prosperity of the one can do it only at the expense of another, or of all others.

Mr. Polk, in his Message, so far as relates to the Tariff, deals as much as possible in windy generalities, in plausible common-places, intended to stab the policy of Protection by inuendo and implication, without any more direct or palpable manifestation of his entire implacable hostility thereto. The following paragraph is a fair sample of what

he says on the subject, and embodies the essence of his doctrine, viz :

“The terms, ‘protection to domestic industry’ are of popular import; but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields, is engaged in ‘domestic industry,’ and is as much entitled to have his labor ‘protected’ as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in ‘domestic industry’ in their different pursuits. The joint labors of all these classes constitute the aggregate of the ‘domestic industry’ of the nation, and they are equally entitled to the nation’s ‘protection.’ No one of them can justly claim to be the exclusive recipients of ‘protection,’ *which can only be afforded by increasing burdens on the ‘domestic industry’ of the others.*”

The doctrine here insinuated, which its author had not the moral courage plainly to assert, is this: “Protection to ‘domestic industry,’ is a popular clap-trap, but an utter delusion—a palpable fallacy. You cannot possibly foster and encourage any branch of industry without thereby burthening and injuring, to at least an equal extent, some or all other branches of Production.”—Not a very novel doctrine, certainly, to those who are familiar with the writings of Say, McCulloch, &c., wherein it is much more honestly stated, and quite as plausibly maintained. The blow aimed at the Protective Policy is vital; it does not threaten some particular form or degree of Protection—it denies the possibility of making a Tariff protective and at the same time beneficial and just. The formidable parade of allegations of defective details, unequal protection, &c., &c., by the President and his Secretary, are but masked batteries intended but to cover the main attack, which is directed against *any* Protective Tariff. The “*equal* protection” approved by Polk in his famous letter to Kane of Pennsylvania, means just exactly *no* protection to any, as the Whigs predicted before the Election it would be found to mean, should its author be chosen President. Such wholesale assertions as the following, though on their face expressing only hostility to particular features of the Tariff, do, in truth, mean hostility to *any* Protective Tariff whatever; since none could be framed, to which such objections might not be urged with a show of

plausibility. Mr. Polk roundly charges that, by the existing Tariff,

"Articles of prime necessity or of coarse quality and low price, used by the masses of the people, are, in many instances, subjected to heavy taxes, while articles of finer quality and higher price, or of luxury, which can be used only by the opulent, are lightly taxed. It imposes heavy and unjust burdens on the farmer, the planter, the commercial man, and those of all other pursuits, except the capitalist who has made his investments in manufactures."

Look for one moment at the recklessness of notorious facts here exhibited. The commercial interest is now protected on its shipping by an absolutely *prohibitory* provision. None but an American vessel can engage in our carrying trade (which is far more extensive than our foreign commerce) on any terms whatever. A New England manufacturer has, for instance, a thousand bales of goods in New York which he wishes to send to New Orleans. A British ship has come hither from Liverpool with goods, is going hence to New Orleans for cotton, has no freight down, and would gladly take these goods for \$500; while no American vessel (all having freight or a chance to obtain it) will take these same bales for less than \$1,000. The manufacturer is compelled by the law of the land to employ an American ship at \$1,000 in preference to a British vessel at \$500, or even \$100. Yet Mr. Polk says that manufacturers alone are protected.

Take another case: The planting interest has a direct and available protection, equal to fully 60 per cent., on Sugar, of which the culture in our country has been largely and profitably extended under the present Tariff. There is no manufacturer more stringently and effectively protected than the sugar-planter. But the benefits of this are not confined to the sugar-planter alone—far from it. The cotton-planter indirectly participates, through the diversion of fertile lands and labor from the production of his staple to that of sugar. If we estimate this diversion at only 100,000 bales of cotton per annum, its beneficial effect on the entire planting interest is apparent. Who does not realize that cotton would be depressed quite below its present low price by the addition of 100,000 bales to our annual production?

We might go on to show how the

farmer is directly benefited by the demand and prices secured to his wool, hemp, &c., &c., by our Tariff, and far more indirectly by the ready markets and better prices secured to all his products by the diversion of labor from agriculture to manufactures. This was the very mode in which Jefferson, Clay, Jackson, H. Niles, and nearly all the guiding-stars of Democracy, twenty to forty years ago, proposed to benefit Agriculture through a Protective Tariff. Gen. Jackson* forcibly and truly urged that the diversion to manufactures, of a population sufficient to produce our own wares and fabrics at home, would secure to our farmers a larger and better market than all Europe afforded them. Mr. Polk cannot or will not see anything of this. His range of vision extends only to the capitalist, whom Protection may induce to embark in manufactures—him he teaches all other classes to envy and hate as a general oppressor. He sees not, regards not, the hundreds of thousands who, as brick-makers, lumbermen, builders, excavators, machinists, workers of implements, &c., find employment and reward in consequence of this diversion of capital to manufactures, and who are drawn from the ranks of producers of food, and rendered the readiest and best customers of those who remain farmers. Mr. Secretary Walker even takes occasion to assert that the entire diversion from agriculture to manufactures, effected by the present Tariff, does not exceed forty thousand persons! The recent census of our single State, carefully scanned, will show a diversion of more than one hundred thousand in New York alone. Massachusetts would show a nearly or quite equal diversion. The rapid increase of population since 1842, in New York, Albany, and nearly all the cities and considerable towns of our State, with the like increase in Boston, Lowell, Fall River, &c., &c., is accompanied by a positive *diminution* of the numbers returned from most rural districts of the older States. The cause of this need not be restated—it lies plain on the face of the general subject we are considering.

Having introduced the Secretary of the Treasury, we will proceed to notice some of the assertions whereof his Report is constructed. But first let us look at one of the few instances in which he essays the logical vein:

* Letter to Dr. Coleman of N. C., written in 1824.

"If it be true that, when a duty of forty per cent. is imposed by our Tariff, the foreign producer first deducts the duty from the previous price on the sale to our merchant, it must be equally true with a duty of one hundred per cent., which is exactly equal to the previous price, and, when deducted, would reduce the price to nothing."

The reader is not likely to be impressed with the *originality* of this sparkle of treasury wit; he has doubtless encountered the same quip in Joe Miller, and, if learned, may very possibly trace it back through the lapse of centuries to Hierocles, if not farther. Its most familiar embodiment is something like this: A phlegmatic, practical, plodding farmer is importuned by some keen dealer to buy a newly-patented stove which, employed in the place of his old-fashioned fireplace, will (he is assured) save half the wood. Grump stops and ponders a minute, and his dull eye at length beams with the kindling of an idea—he has caught the tail of a witticism, and is about to overwhelm with it the spruce commender of stoves. Hark! he opens his mouth and utters with an irrepressible grin of ample breadth at his own waggery: "Then why not buy *two* stoves and save *all* the wood?" Sure enough—why not? Secretary Walker endorses the logic, and exalts the fugitive quip to the gravity of an official syllogism. If *one* stove would save *half* the wood consumed by a six-foot fire-place, *two* must save *the whole*, or there is no soundness in Treasury logic. If a fabricator of any article would take off forty per cent. of his old price rather than be crowded out of an extensive and once lucrative market, then it follows that he would furnish it for nothing rather than lose this division of his customers—follows Secretary Walker, you will understand, good reader!—we should not care to father the Secretary's logic, even though tempted by the chance of obtaining therewith the credit of his smartness.

Let us pass to a graver exhibition of the Secretary's statesmanship and logic:

"A Protective Tariff is a question regarding the enhancement of the profits of capital. That is its object, and not to augment the wages of labor, which would reduce those profits. It is a question of percentage, and is to decide whether money invested in our manufactures shall, by special legislation, yield a profit of ten, twenty or thirty per cent., or whether it shall remain satis-

fied with a dividend equal to that accruing from the same capital, when invested in agriculture, commerce, or navigation."

We think we take the meaning of the Hon. Secretary in his first sentence above quoted, though no meaning at all is grammatically involved in its terms. He aimed to say that protective duties benefit only the capitalists who are induced by them to embark in manufactures, and that to these are secured annual profits of ten to thirty per cent., so long as the protection endures. Now let us suppose there were some glimmering of truth in this, and see how it must work out: A Protective Tariff, we will say, is enacted, which renders morally certain the return of twenty per cent. annually to those who shall invest the requisite capital in manufacturing broadcloths, prints, plain cottons, or something else—no matter what. A few embark in the business and realize such profits. But are these singular in their preferences of twenty per cent. dividends to three or five per cent.? Are there no others who have no objection to bettering their fortunes? Will not the fact that this business is lucrative at once attract to it hundreds in every part of the country? There is and can be no concealment of the facts—there are in every large city men in abundance who will tell you within a fraction the cost of making each particular fabric, and when it is selling at a profit, when at a loss. Immediately hundreds are attracted to this inviting field of enterprise; new mills are erected, giving employment to labor in a hundred different capacities; new machinery is set in motion, new goods are turned out, in large and still increasing quantities. And this will go on, gathering momentum incessantly, *until the market is overstocked and prices fall to (or below) the cost of production*. Some may thus be driven out of the business, but ultimately prices will settle, by a law resistless as gravitation, at that point where the profits of this will average the same as in other investments. Every business man knows this is so—every reasoning man will see that it *must* be so. Make the duty on any article five, fifty, one hundred or five hundred per cent., and the price of that article will very soon be regulated by the cost of producing it, and not at all by the amount of the duty. There will be occasional oscillations, but this is the general, enduring law. All the Price Currents ever printed confirm

and establish it. There are articles on which the present Tariff imposes very duties—glass and glass-ware, screws, wire, pins, buttons, &c., &c.—which are as cheap to-day as, if not cheaper than, they were in 1841-2, when our duties were at the lowest. There are other articles charged no higher than these, which are selling at enhanced prices. The price in each instance of an article mainly produced among us, is governed by the relation of supply to demand, and by the cost of production, regardless of the amount of the duty.

This truth established, the Secretary's business is done. His Report is left baseless as the unsubstantial fabric of a vision. His assertions that two dollars are paid by our consumers to the protected interests for every one brought into the Treas-

ury by the Tariff—that the rich are favored by it at the expense of the poor—that wages have not been improved by it, while the prices of fabrics have advanced—his attacks on the minimum principle, and all his Jacobinic attempts to excite discord and jealousy between employer and workman, manufacturer and farmer, may all be passed by with the silent scorn they merit. Very mournful is the comparison of this Report with the corresponding (but not kindred) expositions of HAMILTON, A. J. DALLAS, RUSH, WALTER FORWARD, and other eminent men who have preceded Mr. Walker in the position he now occupies, but let that also pass. It is by contrast only that a nation discovers its eminent benefactors, and learns to appreciate their services and reverence their memories.

TRADITIONS AND SUPERSTITIONS.

BY MRS. ELLETT.

"Come l'Araba Fenice,
Che ci sia—ognun lo dice,
Dove sia—nessun lo sa."

Metastasio.

"Shapeless sights come wandering by,
The ghastly people of the realm of dream."

Prometheus Unbound.

NOTHING marks the peculiar character of a people more distinctively than their legends and superstitions. These are the first lisps of the infancy of a nation, expressing its impulses and tendencies, even before thought is matured; they grow with its advancement, embody its spirit, and give a coloring to its whole literature. How perfectly is the literature of the East imbued with the dreamy, voluptuous and gorgeous character of its early poetic creations! Thus with the wild, stern, vigorous genius of the North. And if we wander among the olden, shadowy Teutonic traditions, are we not sure to find the germ of that subtil philosophy which distinguishes the metaphysical nations of Germany?

It is not, therefore, an unprofitable task to pore among these treasures of the past. Though half-forgotten now, their influence still exists, and they are

reproduced in various forms. We have examples of this every day. One of the most beautiful fictions ever written by an American author—"Rip Van Winkle"—owes its existence to the old legend of the Kyffhäuser Mountain.

No work has yet been published, that I know of, containing anything like a fair collection of European traditions. La Motte Fouqué, Musæus, Grimm and Hoffmann have done something towards it—Lyser, perhaps, more; at least his work, being the latest, has the additional advantage of selections from his predecessors. He has already published twenty-six small volumes on the subject, and the field is yet unexhausted.

Perhaps it may be a desirable study for some of the readers of this Review to notice the peculiar genius of different European nations, as shown in those infant utterances of the spirit of poetry.

A glance at a few of the more characteristic superstitions, is the utmost, of course, we can propose; but it may suggest more extensive investigations to others. It will be pleasing, at all events, to wander, unfettered by any proprieties of arrangement or progress over those dim regions of romance, plucking a flower here and there—too happy if we can point out the way to more patient and enterprising, though not more interested, travelers.

The superstition of "the *Nissen*" is very old, and of northern origin. In Germany this fantastic race used to be spoken of under the name of "Heimchen." There is a beautiful little ballad of Friedrich Kind, in which a goblin of this species figures as the hero. He plagues the owner of a house haunted by him so unceasingly, that to get rid of him, the man sets fire to the house and runs away. The goblin, however, is seen seated on the top of the wagon containing the moveables, and calls out most provokingly to the owner, "We are off in good time, friend; the house would be burned over our heads." Grimm includes this in his German popular legends. In the Hartswald, the *Nissen* are known by the name of *Wichtelmännchen*. Heine makes his pretty Bergmann's daughter tell of them:

"The little *Wichtel*-men so fleet,—
They steal away our bread and meat;
Though locked up safely every night,
'Tis vanished ere the morning light.
"The little folks, with dainty lip,
The rich and yellow cream they sip;
Uncovered then the dish they leave,
And give the cat a chance to thief."

A. T. Beer, in his novel "*Die Brüder*," gives a little story that, besides illustrating the superstition, has a deeper meaning.

In a peasant's cottage in Sweden sat little Axela, leaning her head upon her mother's lap. The dame sat listening beside the large chimney that warmed the low-roofed chamber. She had been spinning, but had ceased from her labor, and let her hands fall in her lap; for there was a singing and chirping throughout the apartment, as if hundreds of *Heimchen* (crickets) were mingling their soft and shrill chorus; and a continual tripping to and fro of light, dainty footsteps, as of an invisible host.

"Mother!" cried Axela suddenly, "what is that we hear, but cannot see?" The mother pressed her child closely to her, and whispered—so as not to disturb the invisible folk—"They are the *Nis-*

sen, my Axela." The little maiden looked up inquiringly.

"Thou knowest not yet, my daughter, that every house has its haunting spirits. They blow out the light when one goes into the store-room; quench the last coal in the oven, when one tries to kindle a flame; steal the bacon from the chimney; eat the cheese, curdle the milk, and do everything else to torment the housewife, and give her much to do. They sing and tramp about so to-night, because thy father, for whose presence they have more respect, is gone forth to conduct the strangers over the snow-fields. Besides, they must have a present from time to time. They are dunning me so mercilessly, I must not delay it longer."

Therewith the dame went to the closed cupboard, took out two sweet cakes, and laid them on a little table in a corner of the room. She put, also, in a little dish, some fruits, preserved in sugar. A pudding, and a piece of cheese, and fresh butter, all prepared by the excellent housewife's own hands, completed the meal. She placed a light, also, on the table; for, said she, "they will then let my candles alone."

The mother and daughter then hid themselves in the wide feather bed, drew the covering over their heads, and breathed not a whisper to disturb the feast of the *Nissen*. In the morning the good things had disappeared. The dame was delighted that the little house-goblins had not rejected her propitiatory offering.

Axela was a charming daughter of the north. She was loved by Eric, a young fisherman. Her prudent father would rather have wedded her to a thriving farmer, than a youth whose nets were his sole possession. But he saw that the young people truly loved each other, and the dame besought him not to cross her only child; so that he consented to the marriage, and made the young pair a nuptial present of a cottage completely furnished, with a small garden attached. Axela was the happiest little wife in the world.

One evening she said to her mother, "There are no *Nissen* in our house. I never hear the singing that used to trouble me, or see any of the mischievous tricks that tormented you so often."

"Heaven grant, the race come not near thee!" answered the mother.

Axela became a mother; and Eric, by

the death of a rich, childless uncle, who had been engaged in smuggling, inherited a fortune. The small house was greatly enlarged; the rocky spot of ground that had sufficed for a garden, was made twice as spacious; the store-rooms were filled; a maid came to help the young wife in her household duties—and—the Nissen came also.

Formerly, when Axela set away anything, she was sure to find it again; now it was quite otherwise. If she sat down to mend a garment for one of her children, the other would cry in the chamber; she would spring up to take him, and on her return find the Nissen had stolen away her thimble, or tangled her thread, or done her some other mischief. Or if she set away her jars of sweetmeats, carefully tied up with bladder, she would soon discover that the Nissen had opened a passage into them. Or if she left a new piece of linen in her chamber, when called away on some household duty, she would find it on her return, cut into small pieces, and no one in the room but little Eric, looking up at her with his innocent eyes. Who could have done this but the Nissen? Or if she ran to bring home little Eric, who had strayed too near the water, on going back she would find all the chickens in the garden, scraping and pecking over the beds; while of a certainty she had left the gate closed. Who could have opened it but the Nissen?

Thus it went on day after day. Axela grew quite melancholy. "What shall we do," said she to her husband, "for these tormenting sprites? They plague my very life out."

"We had best," said Eric, "consult my godfather, the wise Ulpf." And throwing on their cloaks, the two went forth, leaving the children with the maid, to the dwelling of Ulpf. The wise man shook his head, and answered, "When the Nissen once have possession of a house, they can never be driven away. But you can travel about, dear children, and thus escape them."

Axela and Eric sighed deeply, for they loved their home. The shrubs and flowers they had planted were grown so beautifully—the new poultry-yard was so convenient—the rooms had such an air of comfort—and the children were so happy, looking out of the window on the sea, where the ships were sailing below them! But the house must be given up—though all wept to leave it.

Who could endure to live with the Nissen?

The large wagon was packed with the best of the household furniture, Eric and Axela going along with it. The children were put with the maid into a small carriage behind. They had gone but a short distance on their melancholy way, when they noticed a light swarm of something upon the tall covered carriage. The drapery was shaken, and little figures, undistinguishable from the distance, glided about, humming like a swarm of bees. Axela was frightened; but Eric went boldly up to the wagon, and cried, "What are you doing, little devils, up there?"

"We are, the Nissen!" they murmured, in reply.

"But what do you there?" Eric asked.

A light murmur answered, "Wi flotta," (We are traveling.)

Axela and Eric looked on each other in dismay, and at length burst out a-laughing.

"Let us stay, then, in our own house!" cried she. "The Nissen will not be separated from us; and I can bear their mischief better in my old home than anywhere else."

The horses' heads were turned, and father, mother, children, maid and Nissen returned with great joy.

As the little ones grew up, the Nissen showed themselves less frequently; for the housewifely order and neatness rebuked their pranks. They only claimed, at last, so much freedom as has been yielded them from immemorial time in all the dwellings of Sweden.

The superstition of the Klabotermann, and that of the shore witch, are widely current on the northern coast. The Klabotermann is the *drott* of the sailors, who will not tolerate any incredulity as to its existence. It is said that a crew once mutinied against their captain on this account, and threw him overboard. The Klabotermann is a kobold that haunts ships; he is on shipboard what the gnomes are to the mines, the goblins to the houses, or the trolls or dwarfs to the woods and mountains. When kept in good humor, he is a harmless sprite that works to keep good order in the ship, and never leaves it till it is about to sink. A ship haunted by him cannot be lost, unless he is provoked to forsake it by the misconduct of the crew or the captain. But like other goblins, he is capricious and easily moved to anger. He

never allows himself to be seen so long as he is disposed to stay, but can often be heard at work moving the chests and lading when there is danger from a squall, or pumping out the water that has got into the hold. If the ship has sprung an unseen leak, he will keep up a hammering on the place till the carpenter comes and mends it. If the sailors are negligently about the tackling, he will mischievously tangle the ropes and cords, and taunt them with mocking laughter from the mast-head. If, at any time, this sprite becomes visible to the whole crew, it is a certain sign the ship is doomed to destruction. The sailors, therefore, dread nothing so much as the appearance of the Klabotermann.

The beautiful tradition of LURELEY has often furnished a subject for poetry. It has a place in the Traditions of the Rhine of Schreiber, and also in those of Carl Grib. I do not know that the simple story, as current in popular belief on the spot where it originated, has ever been given in English. Lyser presents it with less embellishment than any other writer.

From the rock of LURELEY is often heard a marvelously sweet female voice, singing so as to bewitch all who hear it. It has proved the destruction of inexperienced sailors; for, intent upon the song, they forget to shun the dangerous whirlpool at the foot of the rock. This ingulfs all that come within its reach. Old and young, therefore, dread that melodious siren voice; and strange tales are current among the people of the maiden who sings upon the rock.

According to one of these, Lureley was a mortal maiden, the daughter of a noble knight, whose burg stood on the rock now named after her. A young and handsome knight was the suitor of the beautiful girl, and obtained her love and her father's consent. The nuptial day was appointed; the knight went to his castle further up the Rhine, to prepare for the reception of his bride. But he returned not again. He was faithless, and forgot his first love in the pursuit of another.

In vain watched Lureley, from early morning of the appointed day, for her beloved. From the high balcony of her chamber she gazed up the river. But she was deceived: he never came. Then wild despair and madness seized upon her heart. She fancied every bark that passed held her lover, but was doomed

to continual disappointment. She tore the bridal wreath from her golden locks, threw it down into the waters, and, plunging after it, ended her life and her sorrows together.

Her old father died of grief; a storm destroyed the burg, of which ere long all traces vanished. The spirit of Lureley has been since often seen standing upon the fatal rock, beguiling men to their death by her enchanting song.

According to another tradition, Lureley is an Undine, and, like all of her race, a lovely, capricious child, as wayward as sportive, and working mischief oft without intending it. A noble youth, the only son of a powerful count of the Rhine, heard the wonderful melody of Lureley, and commanded his sailors to take him to the rock. In vain they strove to dissuade him; he insisted on obedience. But ere they reached the spot, the youth, unable to withstand the powerful spell of the music, sprang from the boat upon a projection of the rock: his foot slipped on the moist stone, and the waters of the Rhine closed over him. The sailors bore the sad news to the old count, that his son had perished by the arts of the witch Lureley—for such they deemed the Undine. The old count tore his hair and garments, in his wild anguish, and gave orders that a body of soldiers should surround the rock of Lureley, and take the witch captive, living or dead.

The soldiers encompassed the rock, from the highest summit of which they could hear the song of Lureley. The leader, with some of his companions, climbed to the top, and saw the maiden sitting there in sea-green, transparent robes, richly decked with jewels, that flashed and sparkled in the evening sun. With a golden comb she was combing her long light hair, and singing:

“The heavens are rosy with sunset's glow,
And Father Rhine murmurs far below
Wild tales in his sea-green bower;
On the top of the rock so airy and free,
Is Lureley singing her melody.

Lureley! Lureley!
It is the charmed hour.

“Ah, gentle sailor, why pause so long,
Why listen to Lureley's evening song,
And upwards gaze, as it floats on the air?
There's a spell working here, and danger is
nigh;

Before 'tis too late, from the magic fly:

Lureley—Lureley!

Ah, gentle sailor! beware—beware!”

The leader of the soldiers made a sign to his men, and emerging from the shelter of the rock, they stood before the maiden. Lureley started not, but sat still, and looking with her clear childlike smile upon the intruders, asked what they would have.

"We come to take thee, living or dead," returned the leader; "for thou, evil witch, hast murdered the son of our noble Count." Then Lureley laughed a musical laugh, and springing up quickly, stood on the utmost verge of the rock, clapped her small white hands, and sang, looking downwards towards the Rhine:

"Oh, father! send up thy swiftest steed—
Send—and bear away thy child with speed:
Lureley! Lureley!"

There was a hoarse murmuring of the waters far below, and two mighty waves, crested with foam, reared their heads. The Undine floated away on their backs, and smiled archly, as she disappeared in the Rhine.

Then knew the soldiers that Lureley was no witch or enchantress, but an Undine. As they returned to their lord with the tidings, they found, to their great joy and amazement, the young Count restored to his father. He had suffered no injury, but had been kept three days at the bottom of the Rhine by the mischievous water-fairies, in order to cool his mad passion a little.

Not all, however, fared so well as the young Count of the Rhine; and even to this day is heard the dangerous melody. Heine sings:

"The sailor there, in his gliding bark,
Is borne, alas! to his doom along:
He cannot see the ridge of rock,
He hears but the water-fairy's song.

"Ah! soon, ingulphed in the greedy wave
The sailor-boy and his bark are gone;
And Lureley smiles above his grave,
On the mischief her song has done."

CRITICAL NOTICES.

THE ALPS AND THE RHINE; a Series of Sketches by J. T. HEADLEY. New York: WILEY & PUTNAM, 161 BROADWAY. 1845.

MR. HEADLEY belongs to that class of authors, who so infuse their own individuality into their works, as to make it difficult for us to separate the man from his writings. In speaking of a book of his, we always call it Headley's, from an unconscious recognition of his entire personification therein. We feel as if we knew him in the flesh—a friend and intimate—his lineaments, voice, the whole manner of the man clearly defined to our consciousness. Without having seen him, we know what sort of a face he has, how he looks, talks, and all about him. This power of transfusing heart and soul into style, is a rare and happy gift, constituting the resource and secret of successful authorship. Indeed, the writer possessing it, cannot fail of popularity. His book is a fireside visitor—human and genial, which warms the heart as well as fills the mind—has blood in it, and thews and sinews—the charm, glow and action of diverse and real life. We know it—not as an abstraction—an ideal, perfect, but chiseled from cold marble—it is the lovable and social friend—a man of like passions with ourselves, imparting and receiving pleasure. It is

thus that Mr. Headley has introduced himself to the hearts of thousands in our land, as a brilliant, earnest man, of clear, frank vision, and chivalric taste and temper. We warrant everybody knows him to have the face and bearing of a knight! Who that has read his papers on Napoleon's Marshals, could fail at once to recognize in them the "born soldier," with his heroic impulses, his quick mathematical appreciation of vast combinations with their results—his fine and accurate eye for effect, which can, in one gleam of a "white plume," reveal to us through the blind tumult of a battle the heady current, with its foam-crested wave, which drives all before it to the triumph! Who, too, has failed to recognize the same spirit in the stout and loyal *Americanism*, displayed in his scathing review of Alison, in one of our earlier numbers. We acknowledge, as well, cognate traits in the volume before us. Here, the same taste for the daring, the yearning for the physical sublime, which constituted him an appreciative critic of the tactics, even of Napoleon, made him also one of the most graphic limners of the bare, rude terrors—the salient magnificence of Alpine scenery, we remember. We do not know Mr. Headley's birth-place; but we judge his infancy must have been passed in some wild, peaked chaos of our northern mountain scenery. The moun-

taineer is proverbially the soldier of Freedom in its wildest sense. That he has a true and perfect eye in this connection, we have only room to demonstrate by a single extract.

So, also, in the truly magnificent and thrilling description of Suwarrow, forced away from the passage of the Naefels, leading his army of 24,000 men through a fresh and heavily-fallen snow, over terrible "mountains, which, as far as the eye could reach, leaned along the solemn sky," where "whole companies would slide together, with a shriek, over the edge of the precipices, and disappear in the untrodden gulfs below," there is certainly a power of description which no writer has surpassed.

Nobody, then, will dispute with us, the power and distinctness of the *effect* produced. That Mr. Headley is an artist, all who have had an opportunity of judging with us, will agree. But a fault we have to find—that is, that he has carried the assured consciousness of this power to an unpleasant extreme. He has forgotten something of his birth-right of *knighthood*, in seeking for the reputation of "*artist*." He not unfrequently sacrifices, the proportions and unity, to an overweening ambition to impress. He gives us too much of a good thing—is too dramatic—gets up too many scenes—permits the Histrionic to show too apparently through the shadowy seeming of the enthusiast. He thus spoils some of his best pictures by demagoguing for effect. He is in danger of becoming rather the trained and *calculating*, than the involuntary artist. These are mistakes for a writer of his capabilities to fall into. We hope he will return with greater confidence to that entire *abandon* of manner which constitutes the striking element of popularity in him. If he will do this, and lop off those superfluities and inaccuracies of style which sometimes deface his page, he will and must become one of our most permanently popular and effective writers. This last fault is rather the result of a characteristic recklessness, than any other cause, and can be easily amended.

PAYNE'S UNIVERSUM, OR PICTORIAL WORLD: being a collection of engravings of views in all countries, portraits of great men, and specimens of art, of all ages and of every character. Edited by CHARLES EDWARDS. Vol. 1. London: BRAIN & PAYNE, 12 Paternoster Row. New York: CHARLES MÜLLER, 118 Nassau Street.

A year's monthly issues of these engravings are before us, bound up in a manner—though our American binders are not famous for their work—quite fitted for the table of any gentleman, (or lady—paren-

thetically is it spoken, as it were in a whisper,) whose taste for externals surpasses his (or her) care for the contents. Having succeeded—skillfully, we think—in "cracking up" the cover, we prefer, in any further remarks, to dilate on the inside. We should care little to say anything of most of the engravings

"On copper, steel, and wood, and Lethæan stone."

in which the present age is prolific—having formed, we confess, no great attachment for them. But we have had these by us so long, that we have become quite familiar with their faces, and may speak from acquaintanceship, at least, if not from admiration.

The beautiful art of engraving has hardly improved since the century or two which furnished the compeers of Albert Durer. There is increased fineness, finish, nicety of touch, more skill in perspective, and a certain pervading dreaminess, which has an exquisite effect of its own, but there is not half the bold limning, striking power of contrasts, and general force of character. Of those, however, which the past year has produced, the "*Universum*"—which has been issued in monthly numbers, as it is to be in future—contains some of the finest. While all of them are good, many are of the first merit. The title-page shows that the plan embraces a very great variety. This first volume has sixty-four, making five monthly. Some of them are humorous. Of these, the "*Blind Mother*," and "*Lizzy, you are not spinning, child*"—in both of which the sunny-faced girl stops her household-wheel to listen to the whispers of her lover, while the old matron, who is guided only by her ears, gropes about to find out the cause of such cessation in domestic industry;—"The Catastrophe," a delicate feline, caught in a relentless trap, having succeeded in turning over a pan of cream—a kind of ecstasy into which we have ourselves helped such culinary depredators; "*The Fast-Day*," on which a pastor surprises a peasant family helping themselves to a bountiful dinner, and "*The Schoolmaster in Jeopardy*"—are the best. The last is really one of the best things we have seen. The angular, fusty, old Pedagogue, with spectacles, buckled shoes, bell-crowned hat and knee-breeches, vest "entirely buttoned up"—as was right—and coat large enough for the man with the seven-leagued boots—trying, in a general fright, to cross a narrow brook on a wide plank without falling off—makes a figure altogether unique and laughable. There are several very good landscapes, river and ocean scenes. Among the best, decidedly, are a new view of the Bay of Naples—which is beautiful always and from every point, though it can hardly be more

so than the magnificent New York harbor—"Amalfi," "Drachenfels" on the ever-glorious Rhine; a hushed pausing of Catholic boatmen as the "ave Maria" steals over the water; a wild Polar scene of whalers attacked in their boats by shoals of white bears—which are accustomed to swim out miles at sea; and "The Land's End," where the heavy and dark waters of the Atlantic roll in upon the iron-bound coasts of Cornwall. The engravings of Cathedrals are quite beautiful, especially of those in Cologne and Strasburg. There is a full-length statue of Mozart—very noble;—a spirited, full-length of Otho, king of Greece, in a rich, Suliote dress—somewhat idealized, we should judge; a fine, thoughtful face of Schiller, another of Lord Nelson, and several effective fancy pieces. But quite the best things of this kind, and perhaps in the volume, are a figure of Goethe, in an antique, flowing robe, reclining on an old Roman wall, and looking off, as it were, into the world of his own creations—and a youthful face of the Scottish Burns, with that eye which Walter Scott, who in his boyhood saw the poet, declared was such as he never beheld in any other human head.

The letter-press illustrations are very unequal in merit, though mainly satisfactory since the chief interest lies in the objects illustrated. We eschew, however, those which are "done into verse."

On the whole, we are greatly pleased with these engravings, and think they will obtain, as they demand, an extensive circulation. To this end their very low price is in their favor.

Poems, by FRANCES S. OSGOOD. New York: Clark and Austin.

What shall we say of this authoress? That she has genius? But we all know that this word means a great deal—has, in fact, almost an infinite significance. Of twenty for whom it has been claimed—by their friends, or oftener by themselves—since Homer wrote, probably not one has really possessed it. Nature is sparing of such peculiar gifts. But then she scatters over many minds light, lightness, grace, earnestness, the touches of passion, the solemnities of deep self-consciousness; and of these qualities Mrs. Osgood has such a share as places her among the acknowledged female authors of the country. We shall quote some passages in proof of what we have said. Some lines from the first piece, "To the Spirit of Poetry," are characteristic of her more serious tone.

Thou that cam'st to me in my dreaming
childhood,
Shaping the changful clouds to pageants
rare,

Peopling the smiling vale, and shaded wild-
wood,

With airy beings, faint yet strangely fair;
Telling me all the sea-born breeze was
saying,

While it went whispering thro' the willing
leaves,

Bidding me listen to the light rain playing
Its pleasant tune, about the household
eaves;

Tuning the low, sweet ripple of the river,
Till its melodious murmur seem'd a song,
A tender and sad chaunt, repeated ever,

A sweet, impassion'd plaint of love and
wrong!

Leave me not yet! Leave me not cold and
lonely,

Thou star of promise o'er my clouded
path!

Leave not the life, that borrows from thee
only

All of delight and beauty that it hath!

"Lenore" is a specimen of delicate and unique versification. The language, also, accords finely with the measure. The only fault is the use of several wrong accents. The same fault is to be found in the succeeding piece, which is otherwise exceedingly beautiful.

LENORE.

Oh! fragile and fair, as the delicate chalices,
Wrought with so rare and so subtle a skill,
Bright relics, that tell of the pomp of those
palaces,

Venice—the sea-goddess—glories in still.

Whose exquisite texture, transparent and
tender,

A pure blush alone from the ruby wine
takes;

Yet ah! if some false hand, profaning its
splendor,

Dares but to taint it with poison,—it
breaks!

So when Love pour'd thro' thy true heart his
lightning,

On thy pale cheek the soft rose-hues
awoke,—

So when wild Passion, that timid heart
frightening,

Poison'd the treasure—it trembled and
broke!

WHAT CAN BE THE MATTER WITH LIZZIE?

WHAT can be the matter with Lizzie to-
night?

Her eyes, that in tears were so touchingly
tender,

For twenty-four hours have been filling with
light,

Till I scarcely dare meet their bewildering
splendor.

You'd almost imagine a star had been lighted
Within her—a new-born and beautiful
flame,

To bless with its pure ray her spirit be-
nighted,

And smile thro' those eyes to which sor-
row's cloud came.

What can be the matter with Lizzie!—her
cheek,

That of late has been dimpleless, colorless,
cold,

Has gather'd a glow and a glory, that speak
Like an eloquent voice of a rapture untold.

What can be the matter with Lizzie!—her
tone,

That was doubting and faint in its low
melody,

As the morning ray rising thro' mist-tears
alone,

Or the sound of a bell ringing soft in the
sea,—

Has suddenly thrill'd to a richness and
fervor,

A passionate sweetness, untroubled and
deep—

You would think in her heart had arisen to
nerve her,

An angel,—awaken'd from sorrow and
sleep.

Of course the cause is *love*; but we
can't go into that. We only wish, in con-
clusion, that Mrs. Osgood would write
more from the depths of her nature.

Biographical and Critical Miscellanies,
by WILLIAM H. PRESCOTT. New York,
Harper & Brothers.

We are very well pleased to see the move-
ment of a mind like Mr. Prescott's in light-
er works than those which he has before
acknowledged to the public. With most of
them, it is true, we had been familiar, as
they are all but one taken from early vol-
umes of the North American Review; but
we did not know their paternity. They
are principally reviews of books and liter-
ary characters. Charles Brockden Brown,
Irving's Grenada, Cervantes, Walter Scott,
Brancroft's United States, Molière, Scottish
Song, and the Poetry of Romance of the
Italians, form the principal subjects. Mr.
Prescott's style in these critical essays is
not of the slashing order of most modern
reviewers. It has not the loud tone of a
man who means to be heard, like Macau-
lay's—nor the studied sneer of Jeffrey's—
nor the unstudied but severer wit of Sidney
Smith's—nor the cutting of fine flesh with a
coarse knife, like Gifford's and Lockhart's
—nor the dashing, designed, uncertain,
abandoned mingling of gentleness and brute
force—like a tame bull among mirrors—that
characterizes Kit North. Perhaps, indeed,
it may be said that Mr. Prescott's critical
style has not the point, variety and brillian-
cy that are most effective, and therefore,
most desirable in such writings. But it
has nearly all the singular purity and grace,
joined with a certain equable strength—
like the flow of a full river—that belong to
his historical works; and, besides, an evi-
dent sincerity that does not always appear
in the feats of the truculent badger-baiters
above-named. This last quality is in truth

a very great advantage—for if we do not
altogether believe that our stalwart critic
deals his blows from a spontaneous pur-
pose, they at once lose, for us, half their
force.

The volume is *got up* (a horrid phrase,
but apparently used inversely to its grace)
with much elegance, and uniform with the
historical works of the same author.

The History of Silk, Cotton, Linen, Wool,
and other fibrous substances, including
Observations on Spinning, Dyeing and
Weaving; also an Account of the Pas-
toral Life of the Ancients, Social State,
and Attainments in the Social Arts.
With Appendices on Pliny's Natural
History; on the Origin and Manufac-
ture of Linen and Cotton paper; on
Felling, Netting, &c. Illustrated by
Steel Engravings. New York: Har-
per & Brothers, 1845.

The above title, which is given in full,
sufficiently proves the very great value of
the work. It is crowded with the most
curious and useful information, and on
topics which are constantly attracting
more of the attention of this country. The
proficiency, still more the processes, of
the ancients, in the useful arts—especially
in the culture and manufacture of silk, cot-
ton and linen—are very little known. His-
tory has been, in this respect disastrously
partial. The author, in his preface, re-
marks justly and well to this point.

The book is a most interesting and im-
portant one to all in this country who are
engaged, or engaging, in the culture of
silk, cotton and flax. This class, especial-
ly of silk and flax growers, is becoming
larger every day, and they ought to lay
hold of whatever sources of information are
opened to them. They cannot fail to find
this volume worth to them its full price.
It is even curious and interesting matter to
the general reader. The book is every
way well executed, with fine paper and
ample illustrations. We recommend it to
the agricultural and growing West.

There are several other books on our
table, of which we designed to speak, but
must forbear at present from want of space.
Among them are, "The Border Wars of
New York," "The Life and Times of
Henry Clay, Vol. ii." "Mrs. Hewitt's
Poems," from Ticknor & Co., Boston;
"Father Ripa's Residence at the Court of
Pekin; and "Junkin on the Oath," from
Wiley and Putnam; with other volumes
of their Series; "Hoffman's Poems;"
"Parker's Aids to English Composition,"
&c., from the Harpers, as also several Nos.
of their really cheap, valuable and com-
plete maps, executed by the Cerographic
art.